



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, 0

Introduction and Preliminary Matter

This hearing convened as a result of an Application for Dispute Resolution, filed March 23, 2015, wherein the Applicant sought to cancel a Notice to End Tenancy for Unpaid Rent and Utilities issued March 16, 2015 (the "Notice") and to recover the filing fee.

Only the Applicant attended. She provided affirmed testimony and testified that she served the Respondent her Application for Dispute Resolution and Notice of Hearing by Registered mail. Introduced in evidence was a copy of the receipt for the registered mail. Accordingly, pursuant to section 90 I find that the Respondent was duly served.

The Applicant testified that the Respondent is her father in law, and that she and her estranged husband, reside in the property identified as a "rental unit" by the Respondent, and paid towards the mortgage. The Applicant provided in evidence copies of the Certificate of Pending Litigation filed against the property in dispute as well as the Notice of Family Claim filed in the B.C. Supreme Court registry.

The Applicant further testified that the Respondent issued the Notice in which the Respondent alleged the Applicant, and her estranged husband (the Respondent's son) owed the sum of \$4,500.00 as of March 1, 2015.

As the Applicant's interest in the real property is substantially before the B.C. Supreme Court, I decline jurisdiction to determine the dispute between the parties pursuant to section 58(2)(c) of the *Residential Tenancy Act*.

The Respondent, while not attending the hearing to present any evidence, is cautioned against taking any steps under the *Residential Tenancy Act*, to end the alleged tenancy, until such time as the issue of the Applicant's interest in the property is determined by the B.C. Supreme Court.

Conclusion

The Applicant's claim for an interest in the Respondent's real property is substantially before the Supreme Court; accordingly, I decline jurisdiction.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: May 05, 2015

Residential Tenancy Branch

