



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MND; MNDC; FF

Introduction and Analysis

This Hearing was scheduled to hear the Landlord's Application for Dispute Resolution seeking a monetary award for damages; compensation under the Act, regulation or tenancy agreement; and to recover the cost of the filing fee from the Tenant.

On September 14, 2015, the Residential Tenancy Branch received a copy of a letter to the Landlord dated September 11, 2015, from a Trustee in Bankruptcy. The letter advises that the Tenant filed a consumer proposal under Section 66.13 of the Bankruptcy and Insolvency Act on August 12, 2015. The letter attached a copy of the Official Receiver's Certificate of Appointment.

Section 69.2(1) of the Bankruptcy and Insolvency Act provides:

69.2 (1) Subject to subsections (2) to (4) and sections 69.4 and 69.5, on the filing of a consumer proposal under subsection 66.13(2) or of an amendment to a consumer proposal under subsection 66.37(1) in respect of a consumer debtor, no creditor has any remedy against the debtor or the debtor's property, or shall commence or continue any action, execution or other proceedings, for the recovery of a claim provable in bankruptcy until

- (a) the consumer proposal or the amended consumer proposal, as the case may be, has been withdrawn, refused, annulled or deemed annulled; or
- (b) the administrator has been discharged.

Conclusion

The Landlord's application is dismissed **with leave to re-apply**. This does not extend any existing time limits that may apply.

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: November 06, 2015

Residential Tenancy Branch

