



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

CNR, MNDC, O

### Introduction

This hearing was convened in response to the Application for Dispute Resolution, in which the Applicant applied to cancel a Notice to End Tenancy for Unpaid Rent, for a monetary Order for money owed or compensation for damage or loss, and for “other”.

The male Agent for the Applicant stated that on February 12, 2016 the Application for Dispute Resolution, the Notice of Hearing, and documents submitted with the Application for Dispute Resolution were sent to the Respondent, via registered mail. The Applicant submitted Canada Post documentation that corroborates this statement. In the absence of evidence to the contrary I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)* and they were accepted as evidence for these proceedings.

On February 18, 2016 the Applicant submitted an amended Application for Dispute Resolution and four additional pages the Residential Tenancy Branch. The male Agent for the Respondent stated that the amended Application for Dispute Resolution, but not the additional documents, was sent to the Respondent, via registered mail. The Applicant submitted Canada Post documentation that corroborates this statement. In the absence of evidence to the contrary I find that the amended Application for Dispute Resolution was served to the Respondent.

The hearing proceeded in the absence of the Respondent.

### Issue(s) to be Decided

Do I have jurisdiction in this matter?

If I do have jurisdiction, should the Notice to End Tenancy for Unpaid Rent be set aside?

If I do have jurisdiction, is the Applicant entitled to a monetary Order?

### Background and Evidence

The Agent for the Applicant stated that ownership of the manufactured home is in dispute and that is a matter that is currently before the Supreme Court of British Columbia.

### Analysis

Section 58(2)(c) of the *Act* stipulates that the director must determine issues in dispute in an Application for Dispute Resolution unless the dispute is substantially linked to a matter that is before the Supreme Court.

The issues in dispute in this Application for Dispute Resolution relate to the Respondent's right to collect rent. I find that matter is directly related to ownership of the manufactured home. As ownership of the manufactured home is a matter that is currently before the Supreme Court of British Columbia, I find that I am unable to adjudicate until if, and when, this matter is concluded in that court.

The Application for Dispute Resolution is there dismissed, with leave to reapply.

### Conclusion

The Application for Dispute Resolution is dismissed, with leave to reapply. The Applicant has the right to file another Application for Dispute Resolution once the matter is concluded in the Supreme Court of British Columbia.

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: March 24, 2016

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Residential Tenancy Branch