Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   FF, MNR, MND, MNSD & MNDC

Introduction
The Application for Dispute Resolution filed by the landlord makes the following claims:
    a. A monetary order in the sum of $9317.35 for unpaid rent and damages
    b. An order to keep the security deposit.
    c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served.   On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides on April 1, 2016.   With respect to each of the applicant's claims I find as follows:

The parties entered into a written tenancy agreement that provided that the tenancy would start on September 1, 2015. The tenancy agreement provided that the tenant(s) would pay rent of $950 per month payable in advance on the first day of each month. The tenant paid a security deposit of $299.

The landlord advised that they have recently received documents from a Trustee in Bankruptcy indicating the tenant had made an assignment into bankruptcy. Section 69.3 of the Bankruptcy and Insolvency Act provides upon bankruptcy there is an automatic stay of proceedings against the estate of the bankrupt. The primary purpose of this is to ensure the trustee has complete control over all assets in the bankrupt's estate so that the estate can be dealt with in an orderly way.

As a result I determined that I do not have jurisdiction to hear this claim as there has been an automatic stay of proceedings against any claim or the continuance of any claims against the tenant's estate.

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: August 15, 2016

Residential Tenancy Branch