



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Applicant requesting to cancel a notice to end tenancy for the Respondent’s use of the property.

Preliminary Issues and Findings

Both parties appeared for the hearing and provided affirmed testimony. Legal counsel for the Applicant also appeared for the hearing and made submissions for the Applicant. At the start of the hearing, legal counsel informed me that the Applicant had filed the Application because it involves a dispute over the ownership of the dispute address and that this matter is currently before the Supreme Court for determination.

Legal counsel confirmed that the application to have the ownership of the property determined had been filed in the Supreme Court and therefore, the Act does not have jurisdiction in this matter.

The Respondent confirmed that the dispute about the ownership of the dispute address was indeed before the Supreme Court. The Respondent also confirmed that she had been served with the paperwork for the Supreme Court proceedings and that her time limit for a response to those proceedings was fast approaching.

Section 58(2) (c) of the Act provides that if the director receives an Application, the director must determine the dispute unless the dispute is linked substantially to a matter that is before the Supreme Court.

In addition, the Act does not have jurisdiction in a dispute where the parties have an interest in a dispute property that goes beyond a landlord and tenant relationship.

Based on the foregoing evidence before me, I accept the parties’ undisputed evidence that this matter involves a jurisdictional issue which is currently before the Supreme Court. Therefore, I find it would be premature to make findings in this matter. As a

result, I hereby dismiss the Tenant's Application with leave to re-apply and decline to make any legal findings in this matter until the Supreme Court matter has been determined.

The parties were informed of this outcome in the hearing and neither party raised any objections to this.

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

Dated: April 18, 2017

Residential Tenancy Branch