



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR OPT AAT LAT LRE OLC MNDCT PSF FFT
OPRM-DR FFL

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning applications made by the tenant and by the landlord.

The tenant has applied for the following relief:

- an order cancelling a notice to end the tenancy for unpaid rent or utilities;
- an Order of Possession in favour of the tenant;
- an order that the landlord allow access to and from the rental unit for the tenant and the tenant's guests;
- an order allowing the tenant to change the locks to the rental unit;
- an order limiting or setting conditions on the landlord's right to enter the rental unit;
- an order that the landlord comply with the *Act*, regulation or tenancy agreement;
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement;
- an order that the landlord provide services or facilities required by the tenancy agreement or the law; and
- to recover the filing fee from the landlord for the cost of the application.

The landlord has applied for an Order of Possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant.

The tenant company was represented at the hearing by an agent, however the line remained open while the telephone system was monitored for 15 minutes and no one for the landlord joined the call.

The tenant's agent advised that the landlord was served with the Tenant's Application for Dispute Resolution and notice of this hearing by personally serving the landlord's property manager on October 13, 2018.

Since the landlord has not attended the hearing, I dismiss the landlord's application in its entirety without leave to reapply.

During the course of the hearing, the tenant's agent withdrew the application and submitted that the matter is substantially before the Supreme Court, and pursuant to Section 58 of the *Residential Tenancy Act*, the Residential Tenancy Branch has no jurisdiction. A copy of the Petition filed in the Supreme Court of British Columbia has been provided as evidence for this hearing, and I decline jurisdiction.

Conclusion

For the reasons set out above, the landlord's application is hereby dismissed in its entirety without leave to reapply.

The tenant's agent has withdrawn the tenant's application, and I decline jurisdiction with respect to the tenant's dispute.

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 20, 2018

Residential Tenancy Branch