



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR, FFT**

Introduction

This hearing dealt with the Applicant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

1. Cancellation of the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to Sections 46(1) and 62 of the Act; and,
2. Recovery of the application filing fee pursuant to Section 72 of the Act.

The hearing was conducted via teleconference. The Applicant, PC, and Support, PM, attended the hearing at the appointed date and time. The Respondent, RC, the Respondent's Agent, IC, and Support, JC, attended the hearing at the appointed date and time. Both parties were each given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Both parties were advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. Both parties testified that they were not recording this dispute resolution hearing.

Preliminary Matter

PC testified that in 2018, she and the Respondent's Agent IC were married, and they moved into her husband's parent's home, rent free. At the outset of this hearing, the Respondent's Agent advised this is more of a family matter and not a Residential Tenancy matter. PC and IC are going through a divorce. The financial responsibilities of the parties are part of a divorce proceeding and each party must act reasonably and

responsibly. At present, they are waiting for the divorce to be finalized through the Supreme Court.

Pursuant to Section 58(2)(d) of the Act, the director must not determine a dispute if the dispute is linked substantially to a matter that is before the Supreme Court. I find this matter is a family matter, that is linked substantially to a matter before the Supreme Court, and I do not have jurisdiction in this application.

Conclusion

I decline to hear this matter as I have no jurisdiction to consider this application.

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: January 13, 2022

Residential Tenancy Branch