



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RETIRE WEST COMMUNITIES
LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC, OLC, FFT

Introduction:

This hearing was convened in response to an Application for Dispute Resolution in which the Applicant applied for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* and/or tenancy agreement, to set aside a One Month Notice to End Tenancy, and to recover the fee for filing this Application for Dispute Resolution.

Legal Counsel for the Landlord acknowledged that the Dispute Resolution Package was received by the Landlord.

Issue(s) to be Decided:

Should the One Month Notice to End Tenancy be set aside?
Is there a need to issue an Order requiring the Landlord to comply with the Act and/or the tenancy agreement?

Background and Evidence:

At the outset of the hearing both parties acknowledged that ownership of this unit is an issue that is currently before the Supreme Court of British Columbia.

Analysis:

Section 58(2)(d) of the *Residential Tenancy Act (Act)* prevents me from considering a dispute if the dispute is linked substantially to a matter that is before the Supreme Court. As ownership of this rental unit is currently before the Supreme Court of British Columbia, I do not have authority to consider this dispute.

Conclusion:

I do not have jurisdiction over this dispute as it is substantially linked to a matter that is before 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: January 15, 2023

Residential Tenancy Branch