



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

## DECISION

Dispute Codes      CNR, LRE, FFT

### Introduction

This hearing was scheduled to convene at 11:00 a.m. on March 13, 2024, having been adjourned from November 17, 2023 and December 6, 2023 and January 10, 2024, concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for unpaid rent or utilities; an order limiting or setting conditions on the landlord's right to enter the rental unit; and to recover the filing fee from the landlord for the cost of the application.

On March 13, 2024 the tenant and Legal Counsel for the landlord attended the conference call hearing. At the commencement of the hearing, the tenant indicated that the matter is now before the Supreme Court. Legal Counsel for the landlord submitted that the landlord has been served, and the best course of action would be to dismiss the tenant's application with leave to reapply, however the landlord does not agree to cancel the 10 Day Notice to End Tenancy For Unpaid Rent or Utilities.

The *Residential Tenancy Act* states that I must not determine a dispute if the dispute is linked substantially to a matter that is before the Supreme Court. Since the parties agree that this matter is now primarily before the Supreme Court, I dismiss the tenant's application with leave to reapply. Leave to reapply is not an extension of any time limits set out in the *Act*.

Despite several adjournments, I heard no testimony from either party, and I have made no findings of fact or law with respect to the merits of the tenant's application.

The *Act* also states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an order of possession in favour of the landlord, so long as the Notice given is in the approved form. Having dismissed the

tenant's application with leave to reapply, I decline to issue an order of possession in favour of the landlord.

### Conclusion

For the reasons set out above, the tenant's application is hereby dismissed with leave to reapply.

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: March 13, 2024

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Residential Tenancy Branch