



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes O

Introduction

This matter dealt with an application by the Landlords for an order that the Tenant comply with the Act by giving them access to the rental unit.

At the beginning of the hearing the Parties advised me that there are proceedings underway between them in the Supreme Court of British Columbia and that a trial has been scheduled to determine whether the Tenant has an ownership interest in the rental property as he alleges (which the Landlords deny).

The Parties also advised me that the Tenant is prepared to grant access to the rental property to the Landlords for the purpose of an inspection but that a date has not yet been agreed to.

If the Tenant has an ownership in the property as he alleges, then under s. 2 of the Act, I would have no jurisdiction to hear this dispute. However, as the issue of ownership is currently before the Supreme Court of British Columbia, I find that it would not be reasonable for me to usurp the role of that Court by making a finding on that issue and accordingly, I decline to hear the Landlords' application at this time. In the interim, if the Tenant unreasonably withholds his consent to the Landlords inspecting the rental property, I would recommend that they bring an application in Supreme Court for this relief.

Conclusion

The Landlords' application is dismissed with leave to reapply once the issue of ownership has been determined by 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: June 12, 2009.

Dispute Resolution Officer