



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

INTERIM DECISION

Dispute Codes:

OPR; MNR; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenant.

The parties gave affirmed testimony at the Hearing.

Preliminary Matter

The Tenant testified that this is a matter does not fall within the jurisdiction of the Residential Tenancy Act as it is a civil family matter. The Tenant testified that his estranged wife is one of the Landlords and that she owns half an interest in the rental property. The Tenant testified that he and his legal counsel were at the courthouse yesterday and that they are in the process of filing documents in Supreme Court and a Certificate of Pending Litigation in the Land Title Office against the rental unit.

The Landlords disputed that the Tenant had any ownership interest in the rental unit and stated that the Tenant had not served them with any Supreme Court documents.

Section 58(2)(c) of the Act requires me to determine a dispute between landlords and tenants unless the dispute is linked substantially to a matter that is before the Supreme Court.

I adjourned this matter in order to allow the Tenant to provide me with documentary evidence that this dispute is linked substantially to a matter that is before the Supreme Court.

Notices of Reconvened Hearing are enclosed with this Interim Decision. Neither party is required to serve the other with the Notice of Reconvened Hearing.

Conclusion

This matter is adjourned to the date and time contained in the enclosed Notice of Reconvened Hearing.

This interim 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: April 15, 2011.
