



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## DECISION AND REASONS

Dispute Codes: CNE, RPP, & MNDC

### Introduction:

This hearing dealt with an application by the tenants seeking to have a one month Notice to End Tenancy, ending the tenants' employment with the landlord, set aside. The tenants are also seeking an Order that their personal property be returned by the landlord and a monetary claim for loss or damage under the *Act* for the sum of \$22,500.00.

Both parties appeared for the hearing. Counsel for the landlord submitted that this proceeding is substantially linked to matters that are going before the Supreme Court of British Columbia and that this proceeding should be dismissed. Counsel for the landlord stated that there are current Orders from the court respecting access to the property and alleged that the tenants have also sought action under the courts jurisdiction respecting damages and loss.

Although the tenants are represented by counsel respecting issues they are taking forward to the Supreme Court of British Columbia, they were not represented at this hearing. The tenants acknowledged that a significant portion of the issues they are seeking against the landlord are being addressed through the court. However, the tenants argued that there was clear separation of the issues being brought before the Court and the tenancy issues. However, the tenants did not provide me any evidence for this hearing except for two hand written pages of notes.

The context of the notes submitted into evidence by the tenants identify that there are issues that their employment has ended and that there is a current court order denying the tenants access to the property in question.

I have very limited information on which to make a determination if any of the issues the tenants have brought before me are within my jurisdiction. Although there is a possibility that a tenancy agreement exists between the parties it is clear from the limited evidence before me that the court has taken jurisdiction over the issue of the tenants' access to the property. I am also satisfied from the statements from the parties during the hearing that there are claims for compensation also before the court.

Section 58(2)(C) of the *Act* states that the Director of the *Residential Tenancy Branch* must a dispute unless the dispute is linked substantially to a matter that is before the Supreme Court. I am satisfied on the balance of probabilities that the issues brought before me by the tenants in this application are substantially linked to proceedings before the Supreme Court and I dismiss this application with leave to re-apply.

### Conclusion:

I dismiss the tenants' application with leave to re-apply having found that the matters brought forward in this dispute are substantially linked to proceedings before the Supreme Court of British Columbia.

Dated February 03, 2009.

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Dispute Resolution Officer