



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNDC, FF, O

### Introduction

This hearing was scheduled to hear the tenants' application for a Monetary Order for damage or loss under the Act, regulation or tenancy agreement; recovery of the filing fee and other issues. Both parties appeared at the hearing and were provided the opportunity to be heard.

### Issues(s) to be Decided

Does the Director have jurisdiction to resolve this dispute?

### Background and Evidence

Both parties were in agreement that a Supreme Court action between the parties is currently pending and the matter before the Supreme Court is substantially related to the matter that is the subject of this application for dispute resolution.

The tenants testified that they are trying to save costs by having this matter resolved by way of this application.

### Analysis

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

With respect to determining disputes under the Manufactured Home Park Tenancy Act, section 51 of the Act provides, in part,

(2) Except as provided in subsection (4), if the director receives an application under subsection (1), the director must determine the dispute unless

(a) the claim is for more than the monetary limit for claims under the *Small Claims Act*,

(b) the application was not made within the applicable period specified under this Act, or

(c) the dispute is linked substantially to a matter that is before the Supreme Court.

(4) The Supreme Court may

(a) on application, hear a dispute referred to in subsection (2) (a) or (c), and

(b) on hearing the dispute, make any order that the director may make under this Act.

[my emphasis]

The parties are encouraged to resolve the dispute in the most economical manner; however, since there is a Supreme Court action that is currently pending between the parties and the matter that under dispute is substantially linked to the matter that is before the Supreme Court, I found that I, as a delegate of the Director, could not hear this dispute.

Should the Supreme Court action be withdrawn, the parties are at liberty to make a subsequent application for dispute resolution.

Conclusion

This matter is currently before the Supreme Court and I refused to hear this dispute in accordance with section 51 of the *Manufactured Home Park Tenancy Act*.

Dated: February 19, 2010.

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Dispute Resolution Officer