



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MND, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for compensation for damages to the rental unit, for unpaid rent, to retain all or part of the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony evidence and to make submissions.

Preliminary Matters

The landlord submitted evidence that included an increase in the sum claimed from \$650.00 to \$4,333.53. There is no evidence before me that the landlord amended her Application and served the tenant with that amendment. Therefore, the hearing proceeded on the basis of the amount claimed on the landlord's Application submitted to the Residential Tenancy Branch on November 16, 2009.

I then considered the tenant's submission that this matter is before the Supreme Court of British Columbia. The tenant provided a copy of a Writ of Summons, naming the landlord, among others, as a respondent. This Summons details the nature of a dispute between the parties related to the tenancy and return of the deposit paid by the tenant.

The landlord confirmed that the parties are before the Supreme Court of British Columbia but that she believes her claim is not related and should proceed.

I find, pursuant to section 58(2)(c) that the matters are linked substantially to a matter that is before the Supreme Court and that this dispute may not be determined as it is before the Court.

Conclusion

As this matter is linked substantially to the Supreme Court of British Columbia, I find that this dispute may not be determined.

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 18, 2010.

Dispute Resolution Officer