

DECISION

Dispute Codes MNSD, MNR, FF

Introduction

This is the Tenant's application for cost of emergency repairs; return of all or part of a security deposit; and to recover the cost of the filing fee from the Landlord.

The parties gave affirmed testimony at the Hearing.

Preliminary Matter

At the outset of the Hearing, it was determined that on October 15, 2009, a Hearing was held to determine the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; and to retain the security deposit in partial satisfaction of its monetary claim. On October 20, 2009, the Dispute Resolution provided his Decision dismissing the Landlord's application.

The Landlord made an application to the Supreme Court of British Columbia for a judicial review of the Dispute Resolution Officer's October 20, 2010 Decision. The Landlord testified that his application was granted on judicial review and the matter was remitted back to the Residential Tenancy Branch for reconsideration.

When a matter is remitted back to the Residential Tenancy Branch, a copy of the Supreme Court Decision or Order must be provided to the Branch in order that the matter can be reheard. Either party can file the Supreme Court Decision or Order with the Residential Tenancy Branch. As at the date of the Hearing of the Tenant's Application for Dispute Resolution, neither party had provided the Residential Tenancy Branch with a copy of the Supreme Court Order made with respect to the Landlord's judicial review application.

The Tenant's application includes a claim against the security deposit, which was also part of the Landlord's application heard on October 15, 2009. Therefore, I dismiss the

Tenant's application, with leave to reapply. The Tenant's application should be heard at the same time as the Landlord's application.

Conclusion

The Tenant's application is dismissed with leave to reapply.

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 21, 2010.
