

## DECISION

**Dispute Codes:** OPR and MNR

### Introduction

This matter was originally addressed as a Direct Request Proceeding on written submissions only on May 20, 2011, but was adjourned to the present participatory hearing on the need for clarification of the rental agreement.

At the commencement of the present hearing, the tenant advised that he has very recently made application before the Supreme Court of British Columbia and that the subject rental property forms part of that application regarding division of property. During a brief recess, legal counsel for the landlord verified that application has been made.

Section 58 of the *Act* states that:

- (2) Except as provided in subsection (4), if the director receives an application under subsection (1), the director must determine the dispute unless
  - (c) the dispute is linked substantially to a matter that is before the Supreme Court.

In such case, subsection 4(b) of the *Act* concedes to the court the full powers of the director of the Residential Tenancy Branch to issue orders under the *Act*.

Therefore, I must find that the Residential Tenancy Branch cannot take jurisdiction of this matter as it is now before the Supreme Court of British Columbia.

June 27, 2011.