



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### **Introduction**

This hearing was convened in response to the landlord's application seeking to retain the security deposit and recover the filing fee. In total the landlord seeks \$425.00.

The tenants did not appear. The landlord gave evidence that he served the tenants with the Application for Dispute Resolution by sending it by way of registered mail sent to the forwarding address provided by the tenants. I am satisfied that the tenants have been duly served by one of the approved means of service as set out in the Act.

### **Preliminary Issue**

In documentation delivered after the hearing of this matter the landlord revealed that a claim has been commenced in the Small Claims Court with respect to other claims being made regarding this tenancy which amount to sums above the \$425.00 security deposit. The landlord seems to be under the erroneous impression that he cannot make a monetary claim that exceeds the amount of his security deposit at the Residential Tenancy Branch and has proceeded with another claim for damages exceeding \$425.00 through the Provincial Court - Small Claims Division. The landlord has submitted that this claim has already been mediated without success and is now proceeding to be heard by a Judge in August 2011 under Nanaimo Registry file number C62038.

Based on this submission I decline to make a determination in this matter. I decline to do so because there is a parallel action underway in another forum.

As it is likely that it will be determined that the Provincial Court of British Columbia - Small Claims Division does not have jurisdiction to decide matters involving residential tenancies, in order to preserve the landlord's right to seek a remedy I will dismiss the landlord's claim with leave to reapply.