



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

### **Dispute Codes:**

CNC, FF, O

### **Introduction**

This Hearing was scheduled to hear the Tenant's application to cancel a 1 Month Notice to End Tenancy for Cause issued April 7, 2011; for compensation for harassment; and to recover the cost of the filing fee from the Landlords.

Both parties signed into the teleconference and provided affirmed testimony.

### **Preliminary Matters**

The Tenant's advocate submitted that I should decline jurisdiction for the following reasons:

1. The Tenant has filed documents in the Supreme Court seeking damages which exceed \$25,000.00; and
2. All residents at the Manufactured Home Park are shareholders in the Corporate landlord. The Tenant has applied to the Supreme Court to have the Directors removed from the Corporation and to seek damages against the Landlord TG. The Tenant's advocate submitted that the Notice to End Tenancy would fail if the Supreme Court grants the Tenant's application.

The Landlord TG submitted that this is the second application the Landlord has made for an Order of Possession for Cause, and that at the first hearing the parties agreed to try to come to a mutual agreement. The parties were unsuccessful in doing so.

## **Analysis**

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure provides:

### **2.3 Dismissing unrelated disputes in a single application**

If, in the course of the dispute resolution proceeding, the Dispute Resolution Officer determines that it is appropriate to do so, the Dispute Resolution Officer may dismiss unrelated disputes contained in a single application with or without leave to reapply.

Section 51 of the *Manufactured Home Park Tenancy Act* (the Act) provides criteria for determining disputes under the Act. Section 51(2) requires the Director to determine disputes between Landlords and Tenants unless the claim is for more than the monetary limit for claims under the *Small Claims Act* (\$25,000.00), or the dispute is linked substantially to a matter that is before the Supreme Court of British Columbia.

I find that the Tenant's monetary claim and the Tenant's application to cancel the Notice to End Tenancy are unrelated. The Landlord seeks to end a tenancy for cause. The Landlord was a landlord, as defined by the Act, at the time the Notice was issued. The Tenant has submitted that documents have been filed in the Supreme Court with respect to a monetary claim against the Landlord, and therefore I find it appropriate to sever the Tenant's monetary claim against the Landlord from the Tenant's application to cancel the Notice to End Tenancy. The Tenant's monetary claim is dismissed without leave to reapply.

The remainder of the Tenant's application is adjourned, to be held by teleconference on May 31, 2011 at 1:30 p.m. Copies of a Notice for the reconvened Hearing are enclosed with this Interim Decision.

## **Conclusion**

The Tenant's application for a monetary order is dismissed without leave to re-apply.

The Tenant's applications to cancel the Notice to End Tenancy and to recover the cost of the filing fee from the Landlords are adjourned to the date and time provided on the enclosed Notice, **May 31, 2011 at 1:30 p.m.**

This interim 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*.

Dated: May 24, 2011.

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Residential Tenancy Branch