



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: MND, MNR, MNSD, MNDC
 Tenant: MNSD and FF

Introduction

These applications were brought by both the landlord and the tenant.

By application of September 16, 2011, the landlord seeks a monetary award for damage to the rental unit, unpaid rent, damage or loss under the legislation or rental agreement, recovery of his filing fee and authorization to retain the tenant's security deposit in set off against the balance owed.

By application of October 2, 2011, the tenant seeks return of his security deposit in double on the grounds that the landlord did not return it or make application to make claim upon it within 15 days of the latter the end of the tenancy or receipt of the tenant's forwarding address. The tenant also seeks to recover of his filing fee

The landlord has submitted into evidence a copy of a Petition to the Supreme Court of British Columbia dated October 13, 2011 for a Judicial Review of a dispute resolution Decision dated August 18, 2011 on cross applications by these same parties under file numbers 776950 and 777500.

Section 58(2)(b) precludes the director from determining a dispute that "is linked substantially to a matter that is before the Supreme Court."

Having found the present applications so linked, I decline to accept these disputes for determination.

The parties remain at liberty to further applications if the decision of the Court indicates that it is appropriate to do so.

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: December 05, 2011.

Residential Tenancy Branch