



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CRYSTAL RIVER COURT LTD.  
and [tenant name suppressed to protect privacy]

## **Decision**

**Dispute Codes:** OPC, FF

### **Introduction**

This is a hearing on the tenant's application seeking the following:

- An order cancelling the landlord's One-Month Notice to End Tenancy for Cause dated June 1, 2013,
- A monetary order for costs and damages,
- An order to force the landlord to make repairs to the site, and
- An order for a rent abatement to reduce the rent for repairs, services or facilities,

This hearing is also being held to deal with a cross application submitted by the landlord seeking an Order of Possession based on a One-Month Notice to End Tenancy for Cause dated June 1, 2013 and purporting to be effective June 30, 2013.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

### **Preliminary Matter**

At the outset of the hearing, it was determined that the tenant had already made an application to the Supreme Court of British Columbia and was proceeding with a civil claim against the landlord.

Section 51(1) of the *Manufactured Home Park Tenancy Act* states that, except as restricted under this Act, a person may make an application to the director for dispute resolution in relation to a dispute with the person's landlord or tenant in respect of any of the following:

(a) *rights, obligations and prohibitions under this Act;*

*(b) rights and obligations under the terms of a tenancy agreement that*

*(i) are required or prohibited under this Act, or*

*(ii) relate to (A) the tenant's use, occupation or maintenance of the manufactured home site, or (B) the use of common areas or services or facilities.*

However, section 51(2) of the Act states that, except as provided in subsection (4), if the director receives an application under subsection (1), the director must determine the dispute **unless**:

*(a) the claim is for more than the monetary limit for claims under the Small Claims Act,*

*(b) the application was not made within the applicable period specified under this Act, or*

*(c) **the dispute is linked substantially to a matter that is before the Supreme Court.*** (My emphasis)

Given the above, I find that I lack jurisdictional authority to proceed with a hearing to determine either the landlord's or the tenant's applications because the issues under dispute in both of these applications are substantially linked to matters that are currently before the Supreme Court of B.C.

### **Conclusion**

The hearing could not proceed with respect to the tenant's application, nor the landlord's cross application, because the issues under dispute were found to be substantially linked to a matter that is currently before the Supreme Court of B.C.

This 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: July 10, 2013

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Residential Tenancy Branch