



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

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### Introduction

This hearing was convened in response to an application by the tenant / applicant effectively to cancel the respondent/landlord's "Eviction Request" and to recover the filing fee.

Both parties attended the conference call hearing and provided their testimony to this matter. The parties acknowledged having been provided with the evidence of the other.

The undisputed evidence from both parties is that the applicant and respondent were in a common law relationship for 5 years and share a child, and that the residential property is the relationship home.

This hearing was provided with evidence that the matter respecting the residential property, and the possession and occupancy of that property by the parties is substantially linked to a Supreme Court action between the parties, registered in the Vancouver Law Courts Registry. I have received confirmation of this filing entered August 22, 2014.

Section 58 (2)(c) of *Residential Tenancy Act* addresses the jurisdiction of the *Residential Tenancy Act*. This section states that an Arbitrator may determine a dispute *unless* a dispute is linked substantially to a Supreme Court matter.

Based on the documentary evidence before this matter, I find that this dispute is linked substantially to a matter that is before the Supreme Court of BC. Therefore I find that I do not have jurisdiction in this matter.

As a result, **I decline jurisdiction** on the basis this matter is before the Supreme Court.

**Conclusion**

The tenant / applicant's application is hereby **dismissed**, without leave to reapply.

**This Decision is final and binding on both parties.**

*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: October 08, 2014

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Residential Tenancy Branch

