



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the landlord: OPR MNR MNSD MNDC FF
For the tenants: CNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) by the parties pursuant to the *Residential Tenancy Act* (the “Act”). The landlords applied for a monetary order in the amount of \$34,673.17 comprised of unpaid rent, unpaid utilities, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for an order of possession for unpaid rent or utilities, to retain the tenants’ security deposit or pet damage deposit, and to recover the cost of the filing fee. The tenants applied to cancel a 10 Day Notice for Unpaid Rent or Utilities, and to recover the cost of the filing fee.

Counsel for the landlord and counsel for tenant S.E. attended the teleconference hearing and confirmed that the tenants had vacated the rental unit as of November 17, 2015 by way of a mutual agreement and as a result, an order of possession was no longer required as the tenancy has ended.

Regarding the landlord’s monetary claim, legal counsel for the landlord confirmed that the landlord’s monetary claim was in the amount of \$34, 673.17.

Preliminary and Procedural Issue

The first issue that I must decide is whether the Act has jurisdiction over the parties regarding the amount of the monetary claim in this matter in order to proceed with the Application.

Section 8 of the Residential Tenancy Branch Policy Guideline, Jurisdiction - Power of the RTB, indicates that the monetary limit of the Residential Tenancy Branch (the

“RTB”) is limited to the same amount as the provincial court which is the sum of \$25,000. Any monetary claims that exceed \$25,000 must be heard by the Supreme Court. As a result, I find that I am unable to consider the monetary claim of \$34,673.17 as that amount falls into the exclusive jurisdiction of the Supreme Court.

Analysis and Conclusion

Based on the above, I am unable to hear the monetary claim of \$34,673.17 for lack of jurisdiction under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 4, 2015

Residential Tenancy Branch

