



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RP, FFT, MNDCT, PSF, LRE, OLC

Introduction

This is an application brought by the tenant requesting an order for repairs, an order for a monetary compensation, in order to suspend landlords right of entry, in order for the landlord to provide services or for silly these, an order for the landlord to comply with the Act, regulations, or tenancy agreement, and an order for recovery of the filing fee.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

All parties were affirmed.

Preliminary matter

I noticed well reviewing the submissions for today's hearing that there has been a notice of claim filed in the Supreme Court, which appears to be substantially linked to the claim before me today, I therefore confirmed with the parties whether or not such a claim had been filed in the Supreme Court and the parties confirmed that it had.

Analysis

Section 58(2)(c) of the Residential Tenancy Act states:

(2) Except as provided in subsection (4), if the director accepts an application under subsection (1), the director must resolve the dispute under this Part unless

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

This provision provides primacy to the Supreme Court's jurisdiction where jurisdiction overlaps, so long as that matter is substantially linked to the matter that is before the Supreme Court.

After reviewing the information provided for today's application, and after comparing it to the notice of claim filed with the Supreme Court, it is my finding that these matters are substantially linked. It is my decision therefore that I do not have the jurisdiction to hear this matter at this time.

Conclusion

I hereby declined jurisdiction, and this application is dismissed with leave to reapply, if allowed by any decision issued by the Supreme Court.

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: January 22, 2018

Residential Tenancy Branch