



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, ERP, LRE, OPT, PSF, FFT

Introduction

This teleconference hearing was scheduled in response to an application under the *Residential Tenancy Act* (the “*Act*”) for an order allowing access to for tenants or their guests, an order for emergency repairs to be completed, an order restricting a landlord’s right to enter, an Order of Possession for a tenant, an order for services or facilities to be provided and for the recovery of the filing fee paid for this application.

One of the Applicants, the Respondent, and legal counsel for the Respondent called into the hearing. At the outset of the hearing, the legal counsel for the Respondent clarified that this matter was before the Supreme Court and a decision had been made.

Prior to the hearing, the Respondent submitted evidentiary material from the Supreme Court to substantiate their verbal testimony. As such, the parties were informed that I did not have jurisdiction over this matter and as such, the hearing would not proceed.

Analysis

Section 58(2) of the *Act* states the following:

- (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
 - (a) the claim is for an amount that is more than the monetary limit for claims under the *Small Claims Act*,
 - (a.1) the claim is with respect to whether the tenant is eligible to end a fixed term tenancy under section 45.1 [*tenant's notice: family violence or long-term care*],

- (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.

As I find evidence before me that this is a matter that has been decided on by the Supreme Court, I decline jurisdiction, pursuant to Section 58(2)(c).

Conclusion

I decline jurisdiction on this matter in accordance with Section 58(2)(c) of the *Residential Tenancy Act*. This application is dismissed in its entirety without leave to reapply.

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: September 28, 2018

Residential Tenancy Branch