



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, OLC, LRE, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 67;
- an order requiring the landlord to comply with the *Act*, *Regulation* or tenancy agreement, pursuant to section 62;
- an order restricting the landlord's right to enter the rental unit, pursuant to section 62; and
- authorization to recover the filing fee for this application, pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

At the outset of the hearing, the tenant confirmed that he filed a duplicate monetary application in the Provincial Court of British Columbia ("PCBC"), as he filed at the Residential Tenancy Branch ("RTB"). The landlord provided a copy of the tenant's PCBC pleadings indicating that the tenant filed a monetary claim for over \$36,000.00 for unpaid rent, a water reimbursement and car damages.

Both parties confirmed that they were attending a PCBC settlement conference for the tenant's claims at 11:00 a.m. on December 7, 2018, the same date of this hearing which occurred at 9:30 a.m. The tenant stated that he filed the claim at the RTB because he may not go ahead with his PCBC claim. However, the tenant confirmed that he was still attending the settlement conference at the PCBC to see what happens, as did the landlord.

The tenant also confirmed that he was vacating the rental unit on March 31, 2019, as per a settlement agreement reached between the parties at a previous RTB hearing.

I notified the tenant that he could not file duplicate claims at the RTB and the PCBC for the same relief as it was considered as double recovery. The tenant claimed for tenancy-related relief in both his claims to the PCBC and the RTB, as well as other unrelated relief for car damage. The tenant's claim at the PCBC was in excess of \$35,000.00, which is the jurisdictional limit of the RTB. The tenant did not withdraw his claim at the PCBC and intended to attend the settlement conference on the date of this hearing, as did the landlord. I notified the tenant that I had no jurisdiction over matters at the PCBC. I informed him that he could only file his application in one location for the same relief, the PCBC or the RTB, and that his application was dismissed with leave to reapply, except for the filing fee, pending his PCBC matter outcome.

Conclusion

The tenant's application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The remainder of the tenant's application is dismissed with 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: December 07, 2018

Residential Tenancy Branch