



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPR MNR FF

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the “Act”) for:

- an order of possession for unpaid rent and utilities pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing.

Preliminary Issue

Do I have jurisdiction under the Act to make a decision on the application before me?

Background and Evidence

At the outset of the hearing, the landlord advised that she had been recently served with a Notice of Civil Claim filed in the Chilliwack Supreme Court by the tenants. The parties confirmed that the subject matter of the civil claim is related to the tenant’s claim for 2/3 equity in the rental property.

Analysis

Before making any finding on the merits of the claim, I must determine if I have jurisdiction under the Act to make a decision on the application before me.

Section 58(2)c of the Act requires that the director must resolve an application for dispute resolution which it accepts under this section unless the dispute is linked substantially to a matter that is before the Supreme Court.

I find that this dispute which involves the landlord's application for an order of possession under the Residential Tenancy Act is substantially linked to the tenant's civil action of an equity claim in the same property. Therefore, I do not have the jurisdiction over this matter.

Conclusion

I find that I do not have jurisdiction over this matter.

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 15, 2019

Residential Tenancy Branch