



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FFT MNDCT MNRT MNSD

### Introduction

This decision is in respect of the tenants' application for dispute resolution under the *Residential Tenancy Act* (the "Act"). The tenants sought compensation for various items under sections 33, 67, and 72, of the Act.

A dispute resolution hearing was first convened on January 21, 2019 and adjourned to March 7, 2019. Landlord's counsel and one of the landlords, and one of the tenants, attended the March 7th hearing.

### Preliminary Issue: Application of Section 58

Counsel advised me that the matters for which the tenants brought their application are before the Supreme Court of British Columbia, and for which a Notice of Civil Claim was filed on March 5, 2019. A copy of the pleadings was submitted to the Residential Tenancy Branch and a copy served on the tenants in respect of that filing.

Section 58 of the Act requires an arbitrator to resolve a dispute brought before the Residential Tenancy Branch unless, as excluded by section 58(c) of the Act, where "the dispute is linked substantially to a matter that is before the Supreme Court."

Based on the submission of counsel I find that the dispute is before the Supreme Court and as such I dismiss the tenants' application with leave to reapply if the Supreme Court finds that the Residential Tenancy Branch has jurisdiction to hear the matter.

Conclusion

I dismiss the tenants' application 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 Act.

Dated: March 7, 2019

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Residential Tenancy Branch