



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNR OPC OPR FF

This hearing was convened to address Landlord's Application for Dispute Resolution, made on August 16, 2018 (the "Application"). The hearing was scheduled as a re-hearing of a matter originally heard on October 5, 2018. In a Review Consideration Decision issued on June 26, 2019, an arbitrator granted the Landlord a new hearing, which was scheduled on today's date. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for compensation for monetary loss or other money owed;
- a monetary order for unpaid rent;
- an order of possession; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by B.D., legal counsel. The Tenant did not attend the hearing.

Submitted with the Landlord's documentary evidence was a Petition, filed by the Landlord at the Supreme Court of British Columbia, Vancouver Registry, No. S-196700, on June 13, 2019. B.D. confirmed the matter has not been set down for hearing.

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

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

[Reproduced as written.]

I find the relief sought in the Application is not merely “linked substantially” to a matter that is before the Supreme Court, but is almost identical to the relief sought in the Petition. Both matters address the Landlord’s seeks to obtain vacant possession of the rental unit and monetary relief for unpaid rent. Accordingly, I decline to resolve this dispute pursuant to section 58(2)(c) of the *Act*.

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: August 22, 2019

Residential Tenancy Branch