



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC   FF

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on July 3, 2019 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order that the Landlord comply with the *Act*, regulations, and/or the tenancy agreement; and
- an order granting recovery of the filing fee.

The Tenants did not attend the hearing but were represented by R.J., legal counsel. The Landlords attended the hearing and were represented by W.T., legal counsel.

During the hearing, counsel agreed there is currently a dispute between the parties relating to ownership/occupancy of the property, and damages. A letter submitted into evidence by the Landlords, dated August 21, 2019, advises the dispute is before the Supreme Court of British Columbia, Kelowna Registry. Further, W.T. confirmed that an application has been made in relation to the dispute and she anticipates it will be heard next week.

With regard to my ability to hear this matter, section 58(2) of the *Act* confirms that if the director accepts an application, the director must resolve the dispute unless the dispute is linked substantially to a matter that is before the Supreme Court.

In this case, I am satisfied that the Tenants' Application is "linked substantially" to a matter that is before the Supreme Court. It is anticipated that an application related to the dispute will be heard next week. Therefore, pursuant to section 58(2) of the *Act*, I decline to resolve the Tenants' Application at this time. However, should the matter before the Supreme Court be concluded, the parties remain at liberty to make a further application for dispute resolution, as appropriate.

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 30, 2019

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Residential Tenancy Branch