



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MNDC FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on October 28, 2019. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the *Act*).

Both parties attended the hearing and were provided the opportunity to present evidence and testimony.

Preliminary Issue - Jurisdiction

The applicant uploaded court documents, which raised the issue of whether I had jurisdiction regarding this application. Specifically, the applicant gave evidence that there is an ongoing matter before the Supreme Court of British Columbia (the "SCBC") and that the present matter is substantially linked to the matter before the courts.

A Notice of Family Claim was filed by the applicant on October 23, 2019 and names the Landlord as the respondent. In the Notice of Claim the Tenant seeks an order relating to family property and debt, and for other monetary matters. The applicant and Tenant is also pursuing a claim at the SCBC for an ownership interest in the subject property. This subject property is central to the issue on this application, as it is the property listed for the tenancy.

Section 58 of the *Act* states the following, in part:

(2) Except as provided in subsection (4), if the director receives an application under subsection (1), the director must determine the dispute unless...

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

(4) The Supreme Court may

(a) on application, hear a dispute referred to in subsection (2) (a) or (c), and

(b) on hearing the dispute, make any order that the director may make under this Act.

It is clear that the present Application pertains to a property that is one of the properties at issue before the SCBC, involves the same parties as named in the SCBC action, and involves a claim for ownership interest in the subject property. As such, I find that the tenant's Application is linked substantially to a matter that is currently before the SCBC. Pursuant to section 58(2)(c) of the *Act*, I find that I have no jurisdiction to consider this matter.

Conclusion

I decline to hear this matter as I have no jurisdiction to consider this application.

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: October 28, 2019

Residential Tenancy Branch