



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MND, MNSD, MNR, MNDC, FF*

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for a monetary order for the cost of repairs and for the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her claim. The tenant applied for a monetary order for reimbursement for the cost incurred for emergency repairs and for the return of the security deposit. Both parties applied for the recovery of the filing fee.

Both parties were represented by their agents who were given full opportunity to present evidence and make submissions. Upon consideration of the documentary evidence, a preliminary issue was raised and repeated at the hearing. The landlord was of the position that I did not have jurisdiction to resolve this dispute.

Issues to be decided

Does the *Residential Tenancy Act* apply to the parties and do I have jurisdiction to resolve this dispute? Is this dispute linked substantially to a matter that is before the Supreme Court?

Background and Evidence

The tenancy started in August 2019 and ended on December 31, 2019. The monthly rent was \$2,200.00 and prior to moving in the tenant paid a security deposit of \$1,100.00.

On February 18, 2020, the tenant filed this application. The landlord filed his application on March 11, 2020. On April 08, 2020, the landlord filed a petition in the Supreme Court of BC for the cost of repairs of damage to the unit.

Analysis

Section 58.2.c of *Residential Tenancy Act* addresses the jurisdiction of the *Residential Tenancy Act*. This section states that if a dispute is linked substantially to a Supreme Court action, then the arbitrator may decline jurisdiction

Based on the testimony of both parties and the documentary evidence filed by both parties, I find that this dispute is linked substantially to a matter that is before the Supreme Court of BC. Therefore, I find that I do not have jurisdiction in this matter.

Conclusion

The applications of both parties are dismissed with leave to reapply pending the decision of the Supreme Court of BC.

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: May 21, 2020

Residential Tenancy Branch