



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, FFT

### Introduction

In this dispute, the tenants had sought compensation for the return (and doubling) of their security deposit, pursuant to sections 38, 38(6) and 67 of the *Residential Tenancy Act* (the “Act”); they had also sought recovery of the filing fee under section 72.

The tenants applied for dispute resolution on February 13, 2020 and a dispute resolution hearing was held, by way of telephone conference, on June 6, 2020. The tenants, legal counsel for the landlord, and an agent for the landlord attended.

### Preliminary Issue: Jurisdiction of the Director under Section 58(2)(c) of the Act

Counsel’s submissions were that, given that there is a civil action, involving the parties, before the Supreme Court of British Columbia, that I am without jurisdiction to resolve the tenants’ application. Provided in support of this submission were copies of various court documents including a Notice to file a petition seeking to pursue action before the court, pursuant to section 58(4) of the Act, and an order that the petition be converted into an action pursuant to Rule 22-1(7)(d) of the *Supreme Court Rules*. The petition refers to the landlord’s seeking to retain the security deposit, amongst other claims.

As explained to the parties during the hearing, section 58(2)(c) of the Act states that I must resolve any dispute brought before me “unless [. . .] the dispute is linked substantially to a matter that is before the Supreme Court.”

Applying the law to the facts as presented to me orally and by documentary evidence, I find that the tenants’ dispute is linked substantially to a matter that is before the Supreme Court. Therefore, I am without jurisdiction to hear the 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 Act.

Dated: June 4, 2020

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Residential Tenancy Branch