



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("the Notice"), pursuant to section 46 of the Act.

This hearing was originally convened on May 07, 2020 and adjourned to June 30, 2020. This decision should be read in conjunction with the Interim Decision arising out of the May 07, 2020 hearing.

Both parties attended both hearings and had a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord affirmed he was served a document from the tenant regarding a family claim in the Supreme Court of British Columbia (Notice of Family claim).

Preliminary Issue – Jurisdiction

The Notice of Family claim indicates on June 12, 2020 the tenant filed a family claim against the landlord and the family claim is related to the rental unit.

The tenant affirmed this matter should be heard before the Supreme Court of British Columbia.

The landlord affirmed this matter should be heard at the Residential Tenancy Branch, as there will be no prejudice to the tenant.

Residential Tenancy Branch Policy Guideline 28 states:

Section 58(3) of the RTA and 51(3) of the MHPTA provide that a court does not have and must not exercise any jurisdiction in respect of a matter that must be submitted to the director for dispute resolution, except if:

- the claim is for an amount that is more than the monetary limit for claims under the Small Claims Act
- the dispute is linked substantially to a matter that is before the Supreme Court

Based on the Notice of Family claim, I find this matter is substantially linked to a matter that is before the Supreme Court of British Columbia.

Conclusion

In accordance with Section 58(3) of the Act, I find I have no jurisdiction to hear this matter.

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: July 03, 2020

Residential Tenancy Branch