



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- a monetary order for compensation for damage or loss under the Act, the Regulations and/or tenancy agreement, pursuant to section 67 of the Act; and
- an authorization to recover the filing fee for this application, pursuant to section 72.

Both parties attended and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. Lawyer PV and witness LB for the landlord also attended. Witness MR for the tenant also attended.

As both parties were in attendance, I confirmed that there were no issues with service of the application and the evidence (the materials). Both parties affirmed they received the materials late, but they had enough time to review it. In accordance with sections 88 and 89 of the Act, I find that both parties were duly served with the materials.

Preliminary Issue – Jurisdiction

The tenant applied for a monetary order for compensation in the amount of \$34,999.00 for harassment and breach of privacy.

The landlord affirmed the tenant's application is outside the scope of the Act and this case should be heard at the British Columbia Supreme Court.

Section 58 (1) of the Act states:

(1) Except as restricted under this Act, a person may make an application to the director for dispute resolution in relation to a dispute with the person's landlord or tenant in respect of any of the following:

- (a) rights, obligations and prohibitions under this Act;
- (b) rights and obligations under the terms of a tenancy agreement that
 - (i) are required or prohibited under this Act, or
 - (ii) relate to
 - (A) the tenant's use, occupation or maintenance of the rental unit, or
 - (B) the use of common areas or services or facilities.

I find the applicant has not identified claims related to the rights, obligations and prohibitions under this Act or a tenancy agreement as described in section 58(1) of the Act. As such, I decline jurisdiction to render a decision with respect to the tenant's application.

The tenant must bear the cost of her filing fee.

Conclusion

The tenant's application for an authorization to recover the filing fee for this application is dismissed without leave to reapply.

I decline jurisdiction to consider the other claims in the tenant's 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: July 27, 2020

Residential Tenancy Branch