



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FFT OT

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of a 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), pursuant to section 49; and
- authorization to recover the filing fee for this application pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions.

Preliminary Issue – Jurisdiction

I asked all parties to advise regarding their position as to whether this matter is substantially linked to an SCBC matter, as per section 58 of the *Act*. Both parties confirmed that this matter is currently before the Supreme Court of BC ("SBCB") and that the matters are substantially linked.

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.

As it is not disputed that the matters are substantially linked to a matter that is currently before the SCBC, and as per section 58(2)(c) of the *Act* I decline jurisdiction to hear 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: September 25, 2020

Residential Tenancy Branch