



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL, MNDCL, FFL

Introduction

This hearing was convened in response to an application by the Landlords pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. A Monetary Order for compensation - Section 67; and
4. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity to be heard, to present evidence and to make submissions. The Tenant confirms that its email address as set out in the Landlords’ application is correct.

Issue(s) to be Decided

Is the dispute substantially linked to a matter before the BC Supreme Court?

Background and Evidence

The Parties agree that a notice of family claim naming the Landlords as Respondents to that claim was registered with the BC Supreme Court on May 14, 2020 and that this claim involves, inter alia, a determination on the exclusive occupation and family property of the dispute unit. The Landlord states that while they did not receive this notice of claim until a few months ago they were aware of it previously.

Analysis

Section 58(2)(c) of the Act provides that if the director accepts an application, the director must resolve the dispute under this Part unless the dispute is linked substantially to a matter that is before the Supreme Court. Given the evidence of the notice of family I find that I may not resolve the dispute.

Conclusion

The dispute may not be resolved under the Act.

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: November 16, 2020

Residential Tenancy Branch