



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CHUTE LAKE HOLDINGS LTD  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MNDCT FFT

### Introduction

This hearing was convened as a result of an Application for Dispute Resolution (application) by the tenants seeking remedy under the *Residential Tenancy Act* (Act). The tenants applied for a monetary claim of \$1,342.08 for damages incurred due being evicted without notice and to recover the cost of the filing fee.

The tenants, counsel for the tenants, AT (tenant's counsel), an agent for the corporate named landlord, KRK (agent), the spouse of the agent, NL (spouse), and counsel for the landlord, RO (landlord's counsel) attended the teleconference hearing. Both counsels confirmed that there is an active matter related to this matter before the Supreme Court.

Neither party raised any concerns regarding the service of documentary evidence or their ability to review that evidence prior to the hearing. Words utilizing the singular shall also include the plural and vice versa where the context requires.

### Preliminary and Procedural Matters

An application before the Supreme Court, Kelowna Registry, dated March 11, 2021 was reviewed and it supports that the tenants' counsel has applied to have claims under the Act to be heard by the Supreme Court. Tenant's counsel did not object to my statement that I believe the Supreme Court has jurisdiction over this matter. Landlord's counsel requested that I consider section 4(d) of the Act and make a finding on whether section 4(d) of the Act applies. The parties were advised that I decline jurisdiction to consider this dispute. I have made this decision pursuant to section 58(2)(c) of the Act, which states:

### **Determining disputes**

**58(2)** Except as provided in subsection (4), if the director accepts an application under subsection (1), the director must resolve the dispute under this Part unless

(c) the dispute is linked substantially to a matter that is before the Supreme Court.

I find that I am unable to separate out a portion of a matter before the Supreme Court as the Supreme Court has exclusive jurisdiction for matters before it. Therefore, I decline jurisdiction to make any determination under section 4(d) of the Act and defer to the Supreme Court based on the application dated March 11, 2021 of the Kelowna Supreme Court Registry.

### Conclusion

I decline to hear this dispute due to lack of jurisdiction as noted above.

This decision will be emailed to the parties as noted above.

The filing fee is not granted as jurisdiction has been declined.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: March 18, 2021

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Residential Tenancy Branch