



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR-MT, LRE

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66; and
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70.

Preliminary Issue – Jurisdiction

This matter was scheduled for a conference call at 9:30 a.m. on this date. Both parties had representatives call in on their behalf. At the outset of the hearing both parties confirmed that the tenants have filed a Notice of Civil Claim in the Supreme Court on April 7, 2021 and wish to adjourn this matter generally pending the outcome.

Section 58 of the Act addresses the issue before me as follows:

Section 58(2)(c) of the Act stipulates that I must resolve an Application for Dispute Resolution unless the dispute is linked substantially to a matter that is before the Supreme Court.

On the basis of the documentary submissions of the parties and the copy of Notice of Civil Claim, I find that this matter is substantially linked to a matter that is before the Supreme Court of British Columbia. As the validity of this tenancy is a matter that is before the Supreme Court of British Columbia, I find that I do not currently have authority to adjudicate this matter.

Conclusion

As I do not currently have authority to adjudicate this matter, I decline to hear this matter as I do not have jurisdiction to do so.

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: April 20, 2021

Residential Tenancy Branch