



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the Landlord: MNRL-S, FFL
For the Tenant: MNETC, MNSD, MNDCT, FFT

Introduction

This hearing dealt with cross applications for Dispute Resolution under the *Residential Tenancy Act* ("Act") by the Parties.

The Tenants filed claims for:

- \$7,500.00 compensation from the Landlord related to a Notice to End Tenancy for Landlord's Use of Property;
- \$10,000.00 for the return of the security and pet damage deposits;
- \$7,500.00 for monetary loss or other money owed; and
- recovery of their \$100.00 Application filing fee.

The Landlords filed claims for:

- \$7,500.00 compensation for recovery of unpaid rent, holding the security deposit in lieu of this claim; and
- recovery of their \$100.00 Application filing fee.

The Landlords and the Tenants and their respective Counsel, interpreters, and other representatives attended the three hearings.

At the onset of the first hearing, both Parties' counsel advised me that they had agreed to adjourn the hearing, given that a proceeding has been commenced before the British Columbia Supreme Court ("BCSC"). They advised that the issues before the court are on related subject matter to the applications before me, but that the disputes are for more than the monetary limit allows under the Act. Further, counsel indicated that they have filed a petition for an Order for the BCSC to take jurisdiction in this matter.

We adjourned the hearing twice for these reasons, but in the third hearing, counsel for the Tenants, L.B., advised that they have filed an amended petition and Notice of Application to set the matter down before the British Columbia Supreme Court (“BCSC”) on February 9, 2022. All Parties agreed that the matter should be heard before the BCSC, because they seek remedies that are beyond the monetary limit of the Act. Counsel for the Landlords, K.S., agreed with the Tenants’ counsel on these matters, and both Parties requested that the applications be withdrawn.

Accordingly, and pursuant to section 58 (2) (a) of the Act, I find that this matter is beyond the monetary jurisdiction of the Residential Tenancy Branch; therefore, with the agreement of both Parties, I find these applications are withdrawn, pursuant to Rule 5.0.1 and section 58 (2) (a) of the Act. I did not hear any evidence and did not consider the merits of either Party’s application. I dismiss these Applications with leave to reapply.

Conclusion

The Tenants’ application is withdrawn, and the Landlords’ application is withdrawn. The Applications are dismissed with leave to reapply.

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: December 14, 2021

Residential Tenancy Branch