



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Homax Real Estate Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNETC, MNDC

Introduction, Preliminary and Procedural Matters-

This hearing was convened as a result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- compensation from the landlords related to a Two Month Notice to End Tenancy for Landlord's Use of Property (Notice); and
- compensation for a monetary loss or other money owed.

The tenant and the landlord appeared, and the issue of jurisdiction was discussed, due to the amount of the tenant's monetary claim of \$47,318.00.

Section 58(2)(a) states that I must not determine a dispute if the amount claimed for debt or damages is more than the monetary limit for claims under the *Small Claims Act*.

Tenancy Policy Guideline 27 states that the director can decline to resolve disputes for monetary claims that exceed the limit set out in the *Small Claims Act*, currently \$35,000.

Additionally, this Guideline states:

If a claim for damage or loss exceeds the small claims limit, the director's policy is to decline jurisdiction. This ensures that more substantial claims are resolved in the BC Supreme Court, where more rigorous and formal procedures like document discovery are available.

While part of the tenant's claim was for compensation under section 51(2) of the Act, that claim was less than the amount of \$35,000. The tenant's additional claim for monetary compensation of \$16,118.00 brought the entire claim far in excess of the

allowed limit of \$35,000. Under Residential Tenancy Branch Rules of Procedure (Rules) 2.9, a claim may not be divided.

For this reason, I find I have no jurisdiction to decide this dispute. As a result, I **dismiss** the tenant's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation periods.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: April 19, 2022

Residential Tenancy Branch