



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 657712 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNETC MNSD 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 have applied for a monetary order in the amount of \$36,075.00 for double the return of their security deposit and pet damage deposit, for the return of 1 year of rent, for fuel costs, moving costs and other costs, plus the filing fee.

The tenants and the landlords attended the teleconference hearing.

Preliminary and Procedural Matters

The parties confirmed their email addresses at the outset of the hearing. The parties also were advised that the decision would be emailed to the parties.

In addition, the parties were advised that I would be declining jurisdiction to hear this dispute as the monetary claim exceeded \$35,000.00, which is the Small Claims limit stated in the *Small Claims Act*. 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) (a), the director must not determine a dispute if any of the following applies:

- (a) **the amount claimed**, excluding any amount claimed under section 51 (1) or (2) [tenant's compensation: section 49 notice], 51.1 [tenant's compensation: requirement to vacate] or 51.3 [tenant's compensation: no right of first refusal], **for debt or damages is more than the monetary limit for claims under the *Small Claims Act*;**

[emphasis added]

Given the above, I find the Supreme Court has jurisdiction of this matter as the monetary claim exceeds \$35,000.00. In addition, Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 2.9 states that a claim may not be divided.

Conclusion

I decline to hear this dispute as the amount claimed exceeds \$35,000.00 and that this matter falls under the jurisdiction of the Supreme Court.

The filing fee is not granted as a result.

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

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: May 5, 2022

Residential Tenancy Branch