



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes CNC

Introduction

This hearing was convened in response to an application by the tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

- cancellation of the landlord’s One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47.

The hearing was conducted by conference call. All named parties attended the hearing.

Preliminary Issue

Do I have jurisdiction under the Act to make a decision on the application before me?

Background and Evidence

On February 28, 2022, a decision (File# 110058503) was issued by the Residential Tenancy Branch in which the Arbitrator granted the tenants application to cancel a One Month Notice to End Tenancy dated December 27, 2021. The Arbitrator also ordered the tenants to comply with section 18 of the Act and to do so within 30 days of the date of the decision. Specifically, the Arbitrator was requiring the tenants to pay a \$625.00 pet deposit and sign a pet agreement as negotiated with the landlord.

On March 25, 2022, the landlord issued a new One Month Notice on the grounds that the tenants breached a material term of the tenancy agreement by refusing to sign a pet agreement as ordered within 30 days of the February 28, 2022 decision.

At the outset of the hearing, the parties confirmed that the February 28, 2022 decision is currently before the Supreme Court as the tenants have applied for Judicial review. Copy of the Supreme Court petition registered by the tenants on May 24, 2022 was submitted as evidence.

Analysis

Before making any finding on the merits of the claim, I must determine if I have jurisdiction under the Act to make a decision on the application before me.

Section 51(2)c of the Act requires that the director must resolve an application for dispute resolution which it accepts under this section unless the dispute is linked substantially to a matter that is before the Supreme Court.

I find that this matter does not fall within the jurisdiction of the Act as it is substantially linked to a matter that is currently before the Supreme Court. The One Month Notice which is the subject matter of this dispute was issued directly relating to the tenants alleged failure to comply with the orders of the February 28, 2022 decision, which is now before the Supreme Court.

Conclusion

I find that I do not have jurisdiction over this matter as it is currently before the Supreme Court.

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: July 25, 2022

Residential Tenancy Branch