



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction

This hearing was convened as a result of the Applicants' Application for Dispute Resolution, made on April 22, 2022 (the "Application"). The Applicants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated April 18, 2022 (the "10 Day Notice"); and
- an order granting the return of the filing fee.

The Applicants, the Applicants' Counsel A.B., and the Respondent attended the hearing at the appointed date and time. At the start of the hearing, it was discussed and both parties agreed that the dispute between the parties is currently before the Supreme Court. The Applicants provided a copy of the Notice of Civil Claim dated May 17, 2018. Furthermore, the Applicants provided a copy of the Notice of Trial which has been scheduled for November 21, 2022.

Preliminary Matters

Section 58(2)(C) of the *Act* confirms that a director must resolve a dispute unless the dispute is linked substantially to a matter that is before the Supreme Court.

After reviewing the Notice of Civil Claim before the Supreme Court and considering the oral testimony of the parties during the hearing, I find that it is apparent that the parties are currently before the Supreme Court relating to the same dispute which was brought before the Residential Tenancy Branch.

As such, I find that the Applicants' Application is linked substantially to a matter that is currently before the Supreme Court. Therefore, as per section 58(2)(c) of the *Act*, I find that I have no jurisdiction to consider this matter and dismiss the Applicant's Application.

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: August 23, 2022

Residential Tenancy Branch