



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNE, OLC, FFT, CNC, MNDCT, LRE, RR, CNR

Introduction

This hearing dealt with the tenant's application pursuant to the *Manufactured Home Park Tenancy Act* (the *MHPTA*) for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 39;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 40;
- cancellation of the landlord's 1 Month Notice to End Tenancy for End of Employment (the 1 Month Notice) pursuant to section 41;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 55;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 58;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 60;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 63;
- authorization to recover his filing fee for this application from the landlord pursuant to section 65.

The parties were given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

Preliminary Issue – Jurisdiction

Both parties were represented by legal counsel and made the following submissions. At the outset of the hearing, the landlords counsel advised that the landlord has filed a Notice of Civil Claim in the Supreme Court of British Columbia. JA submits that as all these files are linked to that filing, the Residential Tenancy Branch no longer has jurisdiction and that the matter should be heard in the Supreme Court of British Columbia.

Counsel for the tenant made the following submissions. CJ submits that filing an action in the Supreme Court does not automatically remove jurisdiction from the Branch. CJ

submits that until an application has been heard in the Supreme Court, jurisdiction could still be with the Branch and submits that an adjournment would be appropriate to address that issue.

Analysis

Section 51(2)(c) of the *MHPTA* stipulates that I must resolve an Application for Dispute Resolution unless the dispute is linked substantially to a matter that is before the Supreme Court.

On the basis of the submissions of JA and the Notice of Civil Claim, which appears to have been filed with the Supreme Court of British Columbia on November 7, 2022, I find that this matter is substantially linked to a matter that is before the Supreme Court of British Columbia. As this matter is before the Supreme Court of British Columbia, I find that I do not currently have authority to adjudicate this matter.

Conclusion

As I do not currently have authority to adjudicate this matter, I dismiss the Application for Dispute Resolution with leave to reapply once the matter is no longer before the Supreme Court of British Columbia, if necessary.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: November 14, 2022

Residential Tenancy Branch