



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction and Conclusion

This hearing convened as a result of a “Tenant’s Application for Dispute Resolution” filed on September 28, 2022 wherein the Applicant sought to cancel a 1 Month Notice to End Tenancy for Cause and to recover the filing fee.

The hearing of the Application was scheduled for 11:00 a.m. on November 24, 2022. Both parties called into the hearing. The Applicant was assisted by her legal counsel, J.H. as well as an Articled Student, S.W. The Respondent appeared on his own behalf.

At the outset of the hearing the parties confirmed that they are spouses. The Applicant’s legal counsel filed a letter in evidence confirming that a Notice of Family Claim had been filed on July 21, 2021 in which the Applicant has made a claim against the property in which the dwelling unit is located. The file number for that matter is included on the unpublished cover page of this my Decision.

Section 58 (2) of the *Residential Tenancy Act* provides as follows:

58(2) Except as provided in subsection (4), if the director accepts an application under subsection (1), the director must resolve the dispute under this Part unless

- (a) the claim is for an amount that is more than the monetary limit for claims under the [Small Claims Act](#),
- (a.1) the claim is with respect to whether the tenant is eligible to end a fixed term tenancy under section 45.1 [tenant's notice: family violence or long-term care],
- (b) the application was not made within the applicable period specified under this Act, or
- (c) **the dispute is linked substantially to a matter that is before the Supreme Court.**

In the case before me the dispute between the parties is substantially linked to a family matter before the B.C. Supreme Court. I therefore decline jurisdiction to hear this matter.

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: November 28, 2022

Residential Tenancy Branch