



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OLC, PSF, RP, RR, MNDCT, FFT

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on October 20, 2022, wherein the Applicants sought the following relief:

- an Order that the Landlord:
 - comply with the *Residential Tenancy Act* (the "Act"), the *Residential Tenancy Regulation*, and/or the residential tenancy agreement;
 - provide services or facilities;
 - make repairs to the rental unit;
- an Order for a rent reduction for the cost of services or facilities or repairs;
- monetary compensation from the Landlord in the amount of \$16,652.16; and,
- recovery of the filing fee.

The hearing of the Application was scheduled for 9:30 a.m. on March 2, 2023. Both parties called into the hearing as did their legal counsel and witnesses.

At the outset of the hearing counsel for the Respondent confirmed that the tenancy ended by Decision and Order of Possession granted May 30, 2022 (the file number for that matter is included on the cover page of this my Decision).

The Applicants filed for Judicial Review of the May 30, 2022 Decision and Order of Possession in the B.C. Supreme Court (the file number for that matter is also included on the unpublished cover page of this my Decision). The parties confirmed that a stay of the Order of Possession was granted such that the Applicants remain in occupation of the rental unit. The parties further confirmed they are awaiting a decision of the B.C.

Supreme Court on an application for leave to introduce new evidence, following which a date will be set for the Judicial Review of the Decision and Order of Possession.

Section 58(2)(c) 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

...

(c) the dispute is linked substantially to a matter that is before the Supreme Court.

As the matter before me is substantially linked to the Supreme Court proceedings commenced by the Applicant I 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: March 15, 2023

Residential Tenancy Branch