



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding BRITISH COLUMBIA HOUSING MANAGEMENT  
COMMISSION and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

Tenant: **MNDCT**  
Landlord: **MNDL**

### **Introduction**

This hearing dealt with applications filed by both the landlord and the tenant pursuant to the Residential Tenancy Act.

The tenant applied for a monetary order for damages or compensation pursuant to section 67.

The landlord applied for a monetary order for damages caused by the tenant or the tenant's guests pursuant to sections 7 and 67.

The tenant attended the hearing, and the landlord was represented by its counsel, S.M.

### **Preliminary Issue**

At the commencement of the hearing, counsel for the landlord advised me that the tenant filed a Notice of Civil Claim in the Supreme Court. A copy of the filing was provided as an exhibit in the landlord's affidavit materials. Landlord's counsel advised me that the parties have had a trial management conference at the Supreme Court and that the issues before the Court have not yet been resolved.

In their application for dispute resolution before me, the landlords noted that there was another dispute set for hearing before an arbitrator on October 19, 2023. The file number is recorded on the cover page of this decision. I reviewed the decision of that arbitrator and discovered the arbitrator refused the jurisdiction to make a determination, as the issues sought by the tenant in that application were substantially linked to a matter before the Supreme Court.

Section 58(2)(d) of the Residential Tenancy Act states that the director must not determine a dispute if the dispute is linked substantially to a matter that is before the Supreme Court. I reviewed the relief sought by the tenant in his Notice of Civil Claim and I determined that the issues identified in the tenant's application for dispute resolution before me were also substantially linked to the issues identified in the Supreme Court filing. Consequently, I decline the jurisdiction to determine this dispute pursuant to section 58(2)(d) of the Act.

Landlord's counsel asked that I continue to retain jurisdiction over the landlord's application seeking an order that the tenant remove cardboard and a tarp on the exterior of his unit. I find that the first issue identified in the relief sought in the tenant's Notice of Civil Claim was similarly for permission to keep the "*outside curtain on the window*" and is therefore an issue substantially before the Supreme Court. I declined the jurisdiction to determine the landlord's application for dispute resolution pursuant to section 58(2)(d) of the Act, as well.

#### Conclusion

The jurisdiction to determine these disputes are declined pursuant to section 58(2)(d).

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: December 22, 2023

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Residential Tenancy Branch