



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

### **Introduction**

This hearing dealt with two of the Applicants' Applications for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- Cancellation of the 10-Day Notice to End Tenancy for Unpaid Rent,
- A monetary order for the cost of emergency repairs,
- Compensation for monetary loss or money owed,
- Reduced rent for repairs, services or facilities agreed upon,
- Repairs to the rental unit,
- The Landlord to provide services or facilities,
- Suspending or setting conditions on the Landlord's right to enter the rental unit,
- Authorization to change the locks to the rental unit,
- The Landlord to comply with the Act, regulation or tenancy agreement,
- The Landlord to allow access to the unit for the Tenants and their guests,
- Authorization to recover the filing fee for this application from the Landlord under section 72 of the Act.

Applicants MS, CL and Advocate DE attended the hearing.

Agent EH, Legal Counsel AE and Legal Counsel LM attended the hearing for the Respondent.

### **Preliminary Matters, Facts and Analysis**

Both parties agreed that the current matters before the Residential Tenancy Branch (RTB) are substantially linked to the subject of an ongoing Supreme Court matter.

Applicant MS testified that the current dispute before the RTB is substantially linked to two separate Supreme Court matters filed by them. MS provided Court Registry file numbers in relation to these matters. MS referenced a previous RTB decision that is before the Supreme Court.

Section 58(2)(d) of the 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.

Based on the testimony of both parties, that the named parties are presently before the Supreme Court with regard to the matters at issue here, I have determined that the issues in the Applicants' application are excluded from further consideration under the Act.

Therefore, based on the above, I decline to find jurisdiction to resolve this dispute.

## **Conclusion**

I find the Residential Tenancy Act does not apply to this dispute and I have declined jurisdiction.

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 22, 2024

---

Residential Tenancy Branch