

DECISION

Introduction

This hearing dealt with the Landlord's Applications for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- a Monetary Order for unpaid rent under section 67 of the Act
- a Monetary Order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement under section 67 of the Act
- authorization to retain all or a portion of the Tenant's security deposit in partial satisfaction of the Monetary Order requested under section 38 of the Act
- authorization to recover the filing fee for this application from the Tenant under section 72 of the Act

SE and SB attended the hearing as Lawyers for the Landlord.

IM attended the hearing as Lawyer for the Tenant.

Analysis

At the outset of the hearing, IM submitted that the Tenant has filed a petition with the BC Supreme Court that relates directly to the matters contained in the Landlord's application. IM provided the Supreme Court of British Columbia file number and requested that the Landlord's application be adjourned generally for that reason.

SE submitted that they are not aware of the Tenant's petition and requested that I proceed with the hearing and consider the Landlord's application in full.

Section 58(2)(d) of the Act requires that the director must not determine a dispute if the dispute is linked substantially to a matter that is before the Supreme Court.

I have considered the positions of the parties and I recognize that the Landlord was not aware of the Tenant's petition prior to making their application for dispute resolution. However, I accept the submission of IM that the Tenant has filed a petition with the Supreme Court and said petition is substantially linked to the Landlord's application in

this dispute. For that reason and based on section 58(2)(d) of the Act, I decline to hear the Landlord's application.

The Landlord's applications for a Monetary Order for unpaid rent, a Monetary Order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and authorization to retain all or a portion of the Tenant's security deposit in partial satisfaction of the Monetary Order requested are dismissed with leave to reapply.

Is the Landlord entitled to recover the filing fees for their applications from the Tenant?

As the Landlord was not successful in these applications, the Landlord's applications for authorization to recover the filing fee for this application from the Tenant under section 72 of the Act are dismissed, without leave to reapply.

Closing

The Landlord's application for a Monetary Order for unpaid rent under section 67 of the Act is dismissed with leave to reapply.

The Landlord's application for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement under section 67 of the Act is dismissed with leave to reapply.

The Landlord's application for authorization to retain all or a portion of the Tenant's security deposit in partial satisfaction of the Monetary Order requested under section 38 of the Act is dismissed with leave to reapply.

The Landlord's applications for authorization to recover the filing fees for their applications from the Tenant under section 72 of the Act are dismissed, without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: April 18, 2024

Residential Tenancy Branch