

DECISION

Introduction

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

- cancellation of the Landlord's One Month Notice to End Tenancy for Cause (One Month Notice) under section 47 of the Act
- an order to suspend or set conditions on the Landlord's right to enter the rental unit under section 70(1) of the Act
- an order requiring the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act
- authorization to recover the filing fee for this application from the Landlord under section 72 of the Act

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

- an Order of Possession based on a One Month Notice to End Tenancy for Cause (One Month Notice) under sections 47 and 55 of the Act
- authorization to recover the filing fee for this application from the Tenant under section 72 of the Act

Tenant M.G.W., Tenant's Counsel S.B., Tenant's Counsel T.H. attended the hearing for the Tenant.

Landlord C.J.W., Landlord A.B. attended the hearing for the Landlords.

While I refer to the parties as Tenant and Landlord, this is for clarity and not a finding that I have jurisdiction.

Preliminary Issue – Jurisdiction

At the hearing the Tenant's Counsel S.B. submitted that there is an ongoing Supreme Court Action, and that the claims in this application are substantially related to those in the Supreme Court Action.

The Tenant's Counsel S.B. provided the file number of the Supreme Court Action, which is referenced on the cover page of this decision. The Tenant's Counsel S.B. stated that the Notice of Civil Claim was filed on June 7, 2024.

The Landlord C.J.W. stated that they have been served with the documents related to the Supreme Court Action.

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 these issues, I find that I do not have the jurisdiction to adjudicate this application because of the ongoing Supreme Court Action. Consequently, I decline to hear this dispute.

I dismiss the Tenant's application, with leave to reapply.

I dismiss the Landlord's cross application, with leave to reapply.

Conclusion

I decline to proceed due to lack of jurisdiction.

The Tenant's application is dismissed, with leave to reapply.

The Landlord's cross application is dismissed, with leave to reapply.

I make no findings on the merits of the matter. Leave to reapply is not an extension of any applicable limitation period.

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: June 13, 2024

Residential Tenancy Branch