

DECISION

Introduction

This hearing dealt with an application filed by both the Landlord and the Tenants pursuant to the Residential Tenancy Act (the “Act”):

The Landlord applied for:

- a Monetary Order for damage to the rental unit or common areas under sections 32 and 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

The Tenants applied for:

- a Monetary Order for the return of all or a portion of their security deposit and/or pet damage deposit pursuant to sections 38 of the Act
- authorization to recover the filing fee for this application from the Landlord under section 72 of the Act

Analysis

At the outset of the hearing, TK testified that since having made their application for dispute resolution, the Landlord has determined that the compensation they are seeking from the Tenants exceeds the small claims limit of \$35,000.00. For that reason, TK testified that they made an application to the Supreme Court for the same. During the hearing, TK provided the Supreme Court File Number and as requested, following the hearing, TK submitted a copy of the Landlord's Petition to the Court.

KN submitted that they are not aware of the Landlord's Petition to the Court and requested a copy be sent to them by email as soon as possible. TK agreed to send a

copy of the Petition to the Court to KN by email. As a courtesy, I have included KN's email address on the cover page of this decision for TK's easy reference. I make no orders regarding service of the Petition to the Court.

Section 58(2)(d) states that the Director must not determine a dispute if the dispute is substantially linked to a matter that is before the Supreme Court.

Based on the testimony of TK and upon review of the Petition to the Court, I find that the Landlord and Tenants' applications for dispute resolution are substantially linked to the Supreme Court matter. For this reason, and in accordance with section 58(2)(d) of the Act, I decline jurisdiction to determine this dispute.

Conclusion

Based on the foregoing, I decline jurisdiction to determine this dispute.

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: January 7, 2025

Residential Tenancy Branch