



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes** MNDC, MNSD, RPP

### **Introduction**

This hearing dealt with an application for dispute resolution by the tenant pursuant to the *Residential Tenancy Act*. The tenant applied for a monetary order for the value of his personal belongings that were left behind in the rental unit and for the return of the security deposit.

This matter was first heard on May 09, 2018. The tenant had applied for the following:

- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order requiring the landlord to return the tenant's personal property pursuant to section 65;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an Order of Possession of the rental unit pursuant to section 54;
- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 70; and
- an order to allow the tenant to change the locks to the rental unit pursuant to section 70.

In a decision dated May 11, 2020, except for the return of the tenant's personal belongings, the Arbitrator dismissed all the other aspects of the tenant's application.

On June 13, 2018, the tenant filed an application for a review of the decision on the basis that he had new evidence and that the decision was obtained by fraud. In a decision dated June 29, 2018, the reviewing arbitrator dismissed the tenant's application.

On July 04, 2018 the tenant filed a petition in the Supreme Court of BC. On July 18, 2018 the landlord filed her response to the petition in the Supreme Court. The tenant stated the he had not followed up with the petition and assumed that it is now cancelled. The landlord stated that the matter is still before the Supreme Court of BC. The landlord filed copies of the petition and her response registered in the Supreme Court on July 04 and 18, 2018 respectively.

### **Issue to be Decided**

Does the *Residential Tenancy Act* apply to the parties and do I have jurisdiction to resolve this dispute? Is this dispute linked substantially to a matter that is before the Supreme Court?

### **Analysis**

Section 58.2.c of *Residential Tenancy Act* addresses the jurisdiction of the *Residential Tenancy Act*. This section states that if a dispute is linked substantially to a Supreme Court action, then the arbitrator may decline jurisdiction

Based on the sworn testimony of the landlord and the documentary evidence filed by the landlord, I find that this dispute is linked substantially to a matter that is before the Supreme Court of BC. Therefore, I find that I do not have jurisdiction in this matter.

### **Conclusion**

As the circumstances of this dispute fall outside the jurisdiction of the *Act*, the application is hereby dismissed in its entirety.

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: May 28, 2020

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Residential Tenancy Branch