Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OLC, LRE, FFT, MNDCT, MNRT, DRI, RR

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on August 6, 2021, wherein the Tenant sought the following relief:

- an Order restricting the Landlords' right to enter the rental unit;
- an Order that the Landlord comply with the *Residential Tenancy Act,* the *Residential Tenancy Regulation,* and/or the residential tenancy agreement;
- an Order with respect to a rent increase;
- an Order that the Tenant be permitted to reduce their rent by the cost of repairs;
- an Order for monetary compensation from the Landlord in the amount of $18,100.00; and,
- recovery of the filing fee.

The hearing of the Tenant's Application was scheduled for teleconference at 1:30 p.m. on December 10, 2021.

Preliminary Matter—Jurisdiction

Introduced in evidence was a copy of a Petition to the B.C. Supreme Court filed by the Landlord/Respondent on July 22, 2021. The Tenant/Applicant in these proceedings filed a Response to the Petition on September 7, 2021. The Tenant's Application for Dispute Resolution was filed at the Residential Tenancy Branch on August 6, 2021.

Section 58(2)(c) of the *Residential Tenancy Act* provides as follows:

> **58** …
>
> (2) Except as provided in subsection (4), if the director accepts an application under subsection (1), the director must resolve the dispute under this Part unless
>
> > …
> > (c) the dispute is linked substantially to a matter that is before the Supreme Court.

I find that the current application is substantially linked to the Supreme Court proceedings commenced by the Respondent on July 22, 2021. I therefore decline jurisdiction to hear 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 *Residential Tenancy Act*.

Dated: December 20, 2021

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Residential Tenancy Branch