



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: CNR OPR OPB MND MNR MNSD MNDC FF O

This hearing dealt with applications by the tenants and by the landlord. Two tenants applied to cancel notices to end tenancy for unpaid rent. At the time of the hearing the tenants stated that they moved out of the rental unit on June 17, 2009, and on that basis I dismissed the tenants' application.

The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial compensation of the claim. The landlord filed one application naming two tenants as respondents. At the outset of the hearing, the tenants raised the issue that there were three tenants residing in the rental house, and each tenant had a separate tenancy agreement. I reviewed each of the tenancy agreements and found that in fact the landlord did have three separate tenancy agreements with the three tenants, and therefore the landlord could not pursue two of the tenants in one application for joint and several liability. Accordingly I dismissed the landlord's application with leave to reapply. The landlord may file separate applications against each of the tenants to pursue monetary claims related to their tenancies.

As both applications are dismissed I decline to award either party recovery of the filing fee for the cost of their applications.

Dated July 7, 2009.