



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

**OPR, MNR, MNDC, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent and damage or loss under the Act and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing.

### Preliminary Matters

The tenant provided affirmed testimony that she received a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities on March 2, 2013. On March 8, 2013 the tenant submitted a dispute resolution application via a Service BC office, requesting, among other matters, more time to dispute the Notice.

The landlord said that she had been served with Notice of the tenant's April 8, 2013 hearing to be held at 11 a.m. and that she had the Notice of hearing.

The tenant explained that she had applied using her maiden name; the landlord's application included the tenant's married name, as it showed on the tenancy agreement. The tenant's name has changed since she signed the tenancy agreement. When the tenant applied using a different last name the files were not scheduled to be heard as cross-applications. The tenant's application was made as required by Rule 5.1; at least 5 days prior to the landlord's hearing.

### **Joining applications**

In determining whether to join Applications for Dispute Resolution, the Director must consider the following criteria:

- whether the applications pertain to the same residential property, or residential properties which appear to be managed as one unit;
- whether all applications name the same landlord;
- whether the remedies sought in each application are similar; or
- whether it appears that the arbitrator will have to consider the same facts and make the same or similar findings of law in resolving each application.

After hearing from each party and reviewing the content of the tenant's application I have determined that the landlord's file (805868) will be joined with the tenant's file (801597.) The matters relate to the same tenancy, landlord and a Notice to End Tenancy. I find that the landlord will not be unduly prejudiced by waiting until April 8, 2013; a matter of 4 days.

Both parties understood that it was likely the landlord's application would be heard on April 8, 2013 and that the parties should attend as directed on the Notice of hearing, prepared to proceed.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: April 04, 2013

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Residential Tenancy Branch