



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sutton Centre Realty
and [tenant name suppressed to protect privacy]

INTERIM DECISION

Dispute Codes:

Tenant AS's application filed April 5, 2013: CNR; MNDC; OLC; FF; O

Tenant DL's application filed February 22, 2013: MNDC; OLC; RR; FF

Introduction

Two Tenants filed two Applications against the same Landlord, at the same residential property. The Tenant AS applied to cancel a Notice to End Tenancy for Unpaid Rent; for compensation for damage or loss; for an Order that the Landlord comply with the Act, regulation or tenancy agreement; to recover the cost of the filing fee from the Landlord; and for "other" relief.

The Tenant DL applied for compensation for damage or loss under the Act, regulation or tenancy agreement; for an Order that the Landlord comply with the Act, regulation or tenancy agreement; for a reduction in rent; and to recover the cost of the filing fee from the Landlord.

Preliminary Matters

The Tenant AS's Application was convened on May 3, 2013. During the course of the Hearing, it became apparent that there had been a Decision made on March 20, 2013, with respect to the Tenant DL, that had a direct impact on Tenant AS. I advised the parties that I was reserving my Decision with respect to the Tenant AS's application.

The Landlord made an Application for Review Consideration regarding the Decision of March 20, 2013, and was successful. Tenant DL's Application was set to be reheard on May 13, 2013.

At the Hearing on May 13, 2013, I advised the parties that the Tenant DL's Application is adjourned to be reconvened with the Tenant AS's Application, pursuant to the provisions of Sections 64(4) and 73 of the Act and Rules 2.2, 6.5 and 13.6 of the Residential Tenancy Rules of Procedure. Copies of the relevant legislation and rules are attached to this Interim Decision.

I hereby Order that both Tenants and the Landlord attend at the reconvened Hearing on June 4, 2012, at 3:00 p.m. If a party does not attend, a Decision will be made in that party's absence.

Notices of Reconvened Hearing are enclosed, one copy for each party. No party is required to serve another with a copy of this Notice.

I hereby order the Tenant AS to provide the Tenant DL with a copy of his Application for Dispute Resolution and documentary evidence. I order that service be affected by registered mail, within 3 days of receipt of this Interim Order.

I hereby order the Tenant DL to provide the Tenant AS with a copy of his Application for Dispute Resolution and documentary evidence. I order that service be affected by registered mail, within 3 days of receipt of this Interim Order.

No further documentary evidence will be accepted from any party.

Conclusion

Copies of a Notice of Reconvened Hearing are provided to all parties. This matter is adjourned to the date and time provided in the enclosed Notice of Reconvened Hearing.

This Interim 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 13, 2013

Residential Tenancy Branch

Residential Tenancy Act

Dispute resolution proceedings generally

64 (1) [Repealed 2006-35-88.]

(2) The director must make each decision or order on the merits of the case as disclosed by the evidence admitted and is not bound to follow other decisions under this Part.

(3) Subject to the rules of procedure established under section 9 (3) *[director's powers and duties]*, the director may

- (a) deal with any procedural issue that arises,
- (b) make interim or temporary orders, and
- (c) amend an application for dispute resolution or permit an application for dispute resolution to be amended.

(4) If, in the director's opinion, another tenant of a landlord who is a party to a dispute resolution proceeding will be or is likely to be materially affected by the determination of the dispute, the director may

- (a) order that the other tenant be given notice of the proceeding, and
- (b) provide that other tenant with an opportunity to be heard in the proceedings.

Director may hear disputes together

73 (1) If 2 or more applications for dispute resolution are accepted in respect of related disputes with the same landlord, the director may hear the disputes at the same time.

Residential Tenancy Rules of Procedure

2.2 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.

6.5 Mandatory attendance

The arbitrator may, in granting an adjournment, make it mandatory for the parties to attend on the date when the dispute resolution proceeding will be reconvened. If a party does not attend the reconvened dispute resolution proceeding at the scheduled time, the arbitrator may commence or continue the dispute resolution proceeding and may conclude the dispute resolution proceeding and make a decision or order in that party's absence.

13.6 Arbitrator may require that a tenant who is materially affected be given notice of an Application for Dispute Resolution

The arbitrator may determine, in accordance with the Act, that a tenant may be materially affected by the dispute resolution proceeding and will adjourn the dispute resolution proceeding to allow the materially affected tenant an opportunity to participate in the proceeding. The arbitrator will direct that the applicant and/or the respondent must serve the affected tenant with a copy of the Application for Dispute Resolution, a copy of the notice of the date and time scheduled for the continuation of the dispute resolution proceeding, and with copies of all relevant evidence.