



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- authorization to obtain a return of all or a portion of the security deposit pursuant to section 38; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenants and the landlord's agent (the "landlord") attended the hearing. The landlord confirmed he is an agent of the landlord's company named in this application, and had authority to speak on its behalf. Each party was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

### Preliminary Issue – Joining Applications

At the outset of the hearing the parties testified that the landlord had filed an application that pertains to the same residential property scheduled to be heard on January 10, 2017. In the landlord's application, the landlord seeks:

- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The landlord requested the tenants' application be heard in conjunction with his application on January 10, 2017. The parties were canvassed and were agreeable to have the application jointly heard on January 10, 2017.

Residential Tenancy Branch Rules of Procedure 2.10 establishes that applications may be joined and heard at the same hearing so that the dispute resolution process will be

fair, efficient and consistent. Because I do not have the landlord's application before me, the applications pertain to the same residential property, the remedies sought are similar and the parties are agreeable, I order the applications be joined and heard together on January 10, 2017.

It should be noted that although the landlord's application was filed by an agent of the landlord named in this application, and the agent's name appears as the landlord entity in the landlord's application, the tenant confirmed it is the same landlord.

### Conclusion

The parties are to use the hearing codes provided for the scheduled January 10, 2017 hearing.

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: January 04, 2017

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Residential Tenancy Branch