



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPRM-DR

### Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the “Act”), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on unpaid rent and a Monetary Order.

### Preliminary Issue – Multiple Tenancies Referenced

A party submitting an application for dispute resolution seeking remedy via a dispute resolution proceeding—whether a participatory hearing or non-participatory ex-parte proceeding—may reference only one tenancy to be the subject of a single application for dispute resolution.

The file before me contains evidence which depicts that the landlord has filed a single application for dispute resolution with respect to two distinct tenancies. The dispute address which is the subject of this file is referenced in two tenancy agreements submitted as evidence by the landlord. The two tenancy agreements, although listing the same landlord and tenant with respect to the same municipal address, allude to two separate units, and include the differentiating identifiers “basement” and “main house” respectively, as part of the address of the rental units listed on the separate tenancy agreements.

Additionally, the Direct Request Worksheet submitted by the landlord provides additional information to demonstrate that separate amounts of unpaid rent are owed for the basement unit and “main house” unit.

Based on the evidentiary material before me, I find that the landlord has attempted to seek remedy with respect to two distinct tenancies by way of filing a single application for dispute resolution. However, the dispute resolution process does not permit an adjudicator to hear disputes arising from two different tenancies within the purview of a single dispute resolution proceeding. I find that these are two different tenancies, and

therefore, are unrelated and are dismissed with leave to reapply, pursuant to section 2.3 of the Residential Tenancy Branch Rules of Procedure.

Therefore, I find that I cannot hear the landlord's application in its current format, and I dismiss the landlord's application with leave to reapply. In order to seek remedy under the Act with respect to two different tenancies, the landlord must file two separate applications for dispute resolution, one for each of the two different tenancies.

It remains open to the landlord to reapply for dispute resolution via the Direct Request process if all requirements for an application for dispute resolution via Direct Request, as outlined in Policy Guideline #39, can be met, or, in the alternative, the landlord may wish to submit two separate applications for dispute resolution to be heard via participatory hearings.

As the landlord was not successful in this application, I find that the landlord is not entitled to recover the \$100.00 filing fee paid for this application.

### Conclusion

I dismiss the landlord's application for an Order of Possession with leave to reapply.

I dismiss the landlord's application for a monetary Order with leave to reapply.

I dismiss the landlord's request to recover the \$100.00 filing fee paid for this application without leave to reapply.

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: September 30, 2019

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Residential Tenancy Branch