



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET, FFL

Introduction

In this dispute, the landlord sought an order to end a tenancy pursuant to section 56 of the *Residential Tenancy Act* (the “Act”). He also sought recovery of the filing fee.

The landlord applied for dispute resolution on June 2, 2020 and a dispute resolution hearing was held on June 26, 2020. The landlord, the property owner (who the landlord works for), two tenants, and an advocate for the tenants, attended the hearing.

I have only reviewed and considered oral and documentary evidence relevant to determining the preliminary issue of this application.

Preliminary Issue: Joined Application

At the start of the hearing the advocate raised an issue with respect to the procedural aspect of service of the Notice of Dispute Resolution Proceeding. It appears that the three tenants named on the landlord’s application each have their own tenancy agreement with the landlord. While neither party has, nor provided, a copy of their respective tenancy agreements, two of the three tenants submitted into evidence copies of their shelter information. These documents clarified – contrary to the property owner’s submission – that all tenants lived under one tenancy agreement, that the tenancies are separate. The advocate argued that the matter should be adjourned, or dismissed, in order for the landlord to properly serve each tenant with their own, specific application.

I asked the landlord whether the reasons for wanting to end all three tenancies are the same reasons for each tenant. He replied that they were not. In effect, the grounds on which the landlord seeks to end one tenancy are different from the grounds for which he seeks to the other two tenancies. Essentially, the landlord (through no fault of his own)

inadvertently applied for three separate orders under section 56, and therefore, he ought and was required to bring three separate applications for the three tenants.

Under Rule 2.10 of the [Rules of Procedure](#), separate applications may be joined and heard at the same hearing so that the dispute resolution process will be fair, efficient and consistent. There are four criteria that must be determined before applications may be joined under this Rule, however. The fourth criteria, “whether it appears that the arbitrator will have to consider the same facts and make the same or similar findings of fact or law in resolving each application,” is not present here, as evidenced by the landlord’s confirmation that the reasons why he seeks to end the tenancies are different.

As such, given that the landlord I required to file an application for dispute resolution with respect to each, separate tenant, I dismiss this application with leave to reapply.

Finally, while I make no findings of fact or law with respect to the merits of the landlord’s claims, I remind the parties that, despite Ministerial Order No. M195, tenants are required to keep paying rent in accordance with their tenancy agreements and the Act.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: June 26, 2020

Residential Tenancy Branch