



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AS CNL

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. A hearing by telephone conference was held on January 28, 2021. The Tenants applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the *Act*).

Both sides were present at the hearing. All parties provided testimony and were given a full opportunity to be heard, to present evidence and to make submissions.

During the hearing, I confirmed with the parties that the Tenants, as listed on this application, have separate tenancy agreements with the Landlord, as occupy two different rental units in the basement of the Landlord's house. Separate copies of the tenancy agreements were provided to me. It appears the Landlord issued two different Notices to End Tenancy, for the two different tenancy agreements.

As stated in the hearing, an applicant may not apply to cancel multiple Notices to End Tenancy for separate tenancy agreements. Each Tenant, with a distinct tenancy agreement would need to file their own application. Given no application was made to join these files, I find the Tenants have not applied correctly, and I decline to hear this matter, as part of today's proceeding. **The Tenants' application is dismissed, with leave, and should they wish to re-apply, they must do so separately. This decision does not extend any timelines under the Act.**

Further, I decline to issue an order of possession under section 55 of the Act, as this application attempted to combine multiple tenancies under the same application.

It appears the Landlord and the Tenants have come to a mutual agreement alongside this proceeding. I encourage the parties to continue to pursue that matter. Should the Landlord require an order of possession, they may wish to either file an application for an order of possession based off the 2-Month Notice, or based off the mutual agreement. However, it should be noted that two applications will be required, given there are two different tenancy agreements.

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 28, 2021

Residential Tenancy Branch