



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LEWIS STREET
APARTMENTS BROWN BROS AGENCIES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, RPP; MNDCT, RPP; MNDCT, RPP

Introduction

This hearing dealt with three different tenants' applications against the same landlords at the same rental property, pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for compensation under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67; and
- an order requiring the landlords to return the tenants' personal property, pursuant to section 65.

The first application was scheduled for this hearing, which occurred on June 28, 2021 at 9:30 a.m. until approximately 10:17 a.m., a total of 47 minutes. Landlord company LSA's lawyer and two agents, landlord company BBAL's agent, landlord company RCCL's agent, and all three tenants' advocate attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Landlord company LSA's two agents confirmed that their lawyer had permission to represent them and their company that owned the rental unit. Landlord company BBAL's agent confirmed that she had permission to represent the company. Landlord company RCCL's agent confirmed that he was the owner of the company and he had permission to represent it. The tenants' advocate confirmed that she had permission to represent all three tenants named in these three applications.

The second application, which was scheduled for a hearing on June 28, 2021 at 11:00 a.m., did not occur, as it was cancelled by the consent of both parties. The third application, which was scheduled for a hearing on June 28, 2021 at 9:30 a.m., did not occur, as it was cancelled by the consent of both parties. Each application is listed by its file number and respective tenant, on the cover page of this decision.

These three applications are separate proceedings, as they have not been joined together at this time. This decision addresses all three applications together for the purposes of expediency and efficiency only. It involves the same landlords, the same rental property, the same relief sought by each tenant, the same tenants' advocate for all three tenants, the same landlords' representatives for all three applications, and the same issues regarding a joiner.

Rule 6.11 of the Residential Tenancy Branch *Rules of Procedure* does not permit recording of a hearing by any party.

I explained the hearing process to both parties. Both parties had an opportunity to ask questions. Neither party made any adjournment or accommodation requests.

Pursuant to section 64(3)(c) of the *Act*, I amended the tenants' three applications to remove the names of landlord company RCCL and landlord company CCIL from the proceedings. Both parties consented to these amendments during the hearing.

The tenants' advocate confirmed that there were 21 different tenants with 21 separate hearing dates at the RTB, relating to the same landlords and rental property. She confirmed that some tenants would withdraw their separate applications, cancel their RTB hearing dates, and refile for a joiner of some applications. None of the other tenants were present at this hearing.

Both parties confirmed that they attended a hearing before me on June 22, 2021, where they consented to join 21 different tenant applications together. Landlord company LSA's lawyer confirmed that he sent a joiner application to the tenants' advocate on June 23, 2021, but she did not sign it or respond to it. The tenants' advocate stated that she did not receive it. She claimed that some tenant applications were withdrawn, some were rescheduled, some did not want to be part of the joiner and some did. She said that she spoke to some tenants and not others.

The tenants' advocate agreed to send notices regarding the tenants' withdrawn and rescheduled hearings to landlord company LSA lawyer's email by June 28, 2021, as neither he nor landlord company BBAL's agent were aware of what had occurred with these hearings. Landlord company LSA's lawyer confirmed that his email address was only to be used by the tenants' advocate for receipt of these specific notices of withdrawal or rescheduling, not for service of other RTB-related documents.

The tenants' advocate confirmed that she would remove landlord company RCCL and landlord company CCIL as respondent-landlords from all 21 different applications, as they should not have been named as parties. She agreed to notify the agents of landlord company RCCL and landlord company CCIL of the above information, once it is complete.

Both parties stated that they wanted to join these three applications with a number of other tenants, together with the same landlords, relating to the same rental property. Both parties confirmed that they intended to make a joiner application to the RTB, by consent.

The tenants' advocate and landlord company LSA's lawyer agreed to speak after this hearing regarding the files that would be part of the joiner, the files that would not be part of the joiner, the files that were withdrawn, and the files that were rescheduled.

The tenants' advocate confirmed that the three tenants named in the three applications on the cover page of this decision, agreed to withdraw their separate applications and apply for a joiner of all applications, together with the landlords. Landlord company LSA's lawyer and landlord company BBAL's agent both agreed to same. On the basis of the consent of both parties, the tenants' three applications are withdrawn with leave to reapply.

I am not seized of these three applications or any of the other applications, as I have not heard substantive evidence regarding any of these files. Only service of documents and the above amendment were discussed at this hearing relating to these three specific applications only.

I notified the tenants' advocate that she and the tenants could hire a lawyer to obtain legal advice, as I could not provide legal advice to any party. I informed her that she and the tenants could consult the RTB website to determine timelines and rules regarding service of documents to the landlords. I notified her that the tenants, as the applicants, were required to name the correct parties in their proceedings, and the tenants have the burden of proof to prove their claims. I informed her that if the tenants settled, withdrew or rescheduled a hearing, that they were required to notify the landlords. The tenants' advocate confirmed her understanding of same.

Conclusion

The tenants' three applications are withdrawn with 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: June 29, 2021

Residential Tenancy Branch