



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

MNDCT, RPP

### Dispute Codes

### Introduction

This hearing dealt with two 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 July 12, 2021 at 9:30 a.m. until approximately 9:38 a.m., a total of 8 minutes. Landlord company LSA's lawyer and agent, landlord company BBAL's agent, the tenant in the first application, and both tenants' two advocates 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 lawyer had permission to represent the company that owns the two rental units. Landlord company BBAL's agent had permission to represent the company. The two tenants' advocates had permission to represent the two tenants named in these two applications.

The second application, which was scheduled for a hearing on July 16, 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 two applications are separate proceedings, as they have not been joined together at this time. This decision addresses both 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' advocates for both tenants, the same landlords' representatives for both 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 both tenants' 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 LV 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 stated that they wanted to join both 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 LV and landlord company LSA's lawyer agreed to speak after this hearing regarding the files that would be part of the joiner. Landlord company LSA's lawyer and landlord company BBAL's agent confirmed that they did not receive a copy of the second application and were not aware of that hearing date on July 16, 2021 at 9:30 a.m. The tenants' advocate LV claimed that the landlords were served with a copy of the second application.

The tenants' advocate LV confirmed that the two tenants named in the two 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, both of the tenants' applications are withdrawn with leave to reapply.

I am not seized of these two 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 two specific applications only.

Conclusion

The tenants' two 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: July 16, 2021

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Residential Tenancy Branch