



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, LRE, FFT

Introduction

This hearing dealt with the applicants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order that the respondent's right to enter be suspended or restricted, pursuant to section 70;
- an Order directing the respondent to comply with the *Act*, regulation or tenancy agreement, pursuant to section 62; and
- authorization to recover the filing fee for this application from the respondent, pursuant to section 72.

The landlord, counsel for the landlord, tenant M.P.S.P. and tenant A.D.P. attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Both parties were advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. Both parties testified that they are not recording this dispute resolution hearing.

Per section 95(3) of the *Act*, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5 000."

Both parties confirmed their email addresses for service of this Decision.

Preliminary Issue- Separate Tenancies

During the hearing, the parties acknowledged that each of the applicants have a separate "house agreement" with the respondent. Each applicant rents a room in the

subject rental property and each applicant signed a separate “house agreement”. The obligation of each applicant to pay rent is separate and apart from the other.

The applicants were under the misapprehension that they could bring one application regarding three separate tenancies as they lived in the same building.

The Rules of Procedure require that each applicant submit an individual Application for Dispute Resolution unless multiple applications are joined pursuant to Rule 2.10.

As the applicants’ application does not comply with the Rules of Procedure, I dismiss their application in its entirety. Each applicant has leave to re-apply individually.

I note that jurisdiction is in question and that because the applicants’ applications are not properly before me, I have not considered whether or not I have jurisdiction to hear the claims between the parties. Leave to reapply is not confirmation of jurisdiction.

Conclusion

The applicants’ application is dismissed. Each applicant has leave to re-apply individually.

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 22, 2022

Residential Tenancy Branch