



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-S, FFL

Introduction

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

- a Monetary Order for damage or compensation, pursuant to section 67;
- authorization to retain the tenants' security deposits, pursuant to section 38; and
- authorization to recover the filing fee from the tenants, pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. Tenant J.I. was represented by an articulated student. The articulated student's supervising lawyer also attended the hearing.

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 tenants had a separate tenancy with the landlord. Each tenant rented an individual room from the landlord.

The Residential Tenancy Branch Rules of Procedure require that the applicant, in this case the landlord, file separate Applications for Dispute Resolution against each tenant because the tenancies were separate, and the tenants are not joint and severally liable for any damages that arose from their separate tenancies.

Conclusion

As the landlord's application does not comply with the Rules of Procedure, I dismiss it. The landlord has leave to reapply against each tenant individually; however, the tenants may not be named jointly in one Application for Dispute Resolution.

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: November 03, 2022

Residential Tenancy Branch