



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

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

- an early termination of tenancy and Order of Possession, pursuant to section 56; 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. The landlord's son/ translator (JF) attended the hearing and affirmed to translate to the best of his abilities. The landlord's other son (RA) attended the hearing as a support person and affirmed to tell the truth.

Preliminary Issue- Service

Both parties agree that the landlord personally served the tenants with this application for dispute resolution on February 28, 2023.

The only evidence submitted by the landlord was a tenancy agreement pertaining to a different tenancy at a different residential address. The landlord testified that the tenancy agreement uploaded into evidence was uploaded in mistake and is for a tenancy not involved in this dispute.

Preliminary Issue- Separate Tenancies

Both parties agree that tenant KB rents a room in a house from the landlord and signed a tenancy agreement with the landlord. Both parties agree that KS rents a different

room in the same house from the landlord and that he signed a separate tenancy agreement with the landlord. Both parties agree that the tenants have separate tenancy agreements with the landlord and are not co-tenants.

The landlord was under the misapprehension that she could bring one application regarding two separate tenancies as they lived in the same building. As the tenancies of each of the named tenants are separate, separate applications for dispute resolution must be filed against each tenant.

Conclusion

I dismiss the landlord's application for dispute resolution with leave to reapply against each tenant separately.

The landlord confirmed her email addresses for service of this decision. The tenants requested the decision be mailed to their mailing address on file.

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 15, 2023

Residential Tenancy Branch