



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COMMUNITY BUILDERS BENEVOLENCE GROUP
#0955802 BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, OLC, RP, PSF, RR

Introduction

I am writing this decision further to Interim Decisions of December 4, 2015, March 9, 2016, and July 15, 2016, and further to a Preliminary Decision of December 21, 2015. Each of these previous decisions were written by another Arbitrator (the previous Arbitrator) who is no longer employed by the Residential Tenancy Branch (the Branch). Upon the previous Arbitrator's departure from the Branch, the Director delegated me with responsibility for continuing with considering the lead application by Mr. D. Z. (D.Z.) filed with the Branch in July 2015 along with the 93 joined applications noted in the first page of this decision.

As set out in the earlier Interim and Preliminary Decisions, D. Z. initially acted as advocate and agent for the 93 tenants whose applications were joined with his application. In his Interim Decision of March 9, 2016, the previous Arbitrator provided the following description of the sequence of events whereby Mr. D.Z. continued to act for some of the tenants while an advocate represented the majority of these tenants.

...As set out in the earlier decisions, the lead applicant, Mr. D. Z. was acting as advocate and agent for the 93 tenants whose applications were joined with his application.

By letter dated December 8, 2015 an advocate from the Tenant Resource and Advisory Centre (hereinafter "TRAC") wrote to advise that TRAC had been retained by 69 tenants or former tenants of the landlord. The advocate said that it was her understanding that Mr. D.Z. continued to act as lead advocate for the remaining 24 tenants. The TRAC advocate said that the 69 tenants that it represented had withdrawn their authorizations to be represented by D.Z and she stated that TRAC does not represent D.Z. and was not working with him on this case. The TRAC advocate requested that the joined applications be split into

two separate joinder proceedings and that the tenant represented by TRAC be given a separate hearing date from that assigned to the remaining 25 tenants...

In his March 9, 2016 Interim Decision, the previous Arbitrator denied the request from the TRAC advocate (the advocate) “to separate the 69 applications from the other 25 applications so that they may be treated as two separate joint applications.” In the subsequent Interim Decision and based on exchanges of documents leading to adjournments of scheduled hearings, it remained clear that the advocate and D.Z. continued to represent separate groups of applications against the landlords.

On August 22, 2017, I was scheduled to hear the first five of the individual applications that were originally joined to the application filed by D.Z. By August 2017, each of these five tenant applicants were represented by the advocate. Shortly before this hearing, representatives from the landlords and the advocate contacted the Branch to advise that they were in the process of resolving all disputes between the landlord and the tenants represented by the advocate. On this basis, I agreed to their joint request for a postponement of the August 22, 2017 hearings to enable them to finalize their settlement of these issues.

The Branch has now received written confirmation of the withdrawal of all of the applications originally filed by Mr. D.Z. in July 2015. These confirmations were sent by Mr. D.Z., on behalf of the tenants and former tenants he continued to represent, and the advocate for the remainder of the tenants TRAC had been representing.

Conclusion

I find that the application of Mr. D.Z. and all applications joined to his application in July 2015 are hereby withdrawn. Since the events in question occurred more than two years ago, the *Act* does not allow any of the claims identified in the July 2015 applications to be reactivated. 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: October 18, 2017

Residential Tenancy Branch