



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

This hearing dealt with an Application for Dispute Resolution by the Tenant under the Residential Tenancy Act (the "Act") for a monetary order for return of the security deposit and the filing fee.

The Tenant's representative provided written authorization from the Tenant into evidence, that he had the authority to attend the hearing on the Tenant's behalf as a representative.

The Tenant's representative testified that they have just discovered that they may have incorrectly named the Landlord on the Application for Dispute Resolution of January 06, 2012, and as a result service of documents may have been done on the incorrect Landlord.

The Landlord did not participate in the conference call hearing.

The Act defines "landlord" as follows:

"landlord", in relation to a rental unit, includes any of the following:

- (a) the owner of the rental unit, the owner's agent or another person who, on behalf of the landlord,
 - (i) permits occupation of the rental unit under a tenancy agreement, or
 - (ii) exercises powers and performs duties under this Act, the tenancy agreement or a service agreement;
- (b) the heirs, assigns, personal representatives and successors in title to a person referred to in paragraph (a);
- (c) a person, other than a tenant occupying the rental unit, who
 - (i) is entitled to possession of the rental unit, and
 - (ii) exercises any of the rights of a landlord under a tenancy agreement or this Act in relation to the rental unit;
- (d) a former landlord, when the context requires this;

The Tenant's representative requested leave to reapply once they can confirm who the correct Landlord for the rental unit is. I find that the request is reasonable and that the Act requires the Tenant to name the correct Landlord on the Application and serve the documents on the correct Landlord or the Landlord's agent. As a result I grant the Tenant's request.

The Tenant's Application is dismissed 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: April 05, 2012.

Residential Tenancy Branch