



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call in response to an application made by the landlord for a monetary order for damage to the unit, site or property; for a monetary order for unpaid rent or utilities; for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for an order permitting the landlord to keep all or part of the pet damage deposit or security deposit; and to recover the filing fee from the tenant for the cost of this application.

The named landlord attended the conference call hearing, provided evidence in advance of the hearing, and gave affirmed testimony. However, despite being served with the Landlord's Application for Dispute Resolution and notice of hearing documents by registered mail on February 7, 2012, the tenant did not attend. The landlord testified that the documents were sent in that manner on that date and provided a tracking number from Canada Post to verify such mailing, and I am satisfied that the tenant has been served in accordance with the *Residential Tenancy Act*.

During the course of the hearing, the landlord was questioned about the name of the landlord on the Landlord's Application for Dispute Resolution and the tenancy agreement; the names are not the same. The tenancy agreement names a specific landlord, which is the same as the landlord's name on other documentation, such as notices of rental increases, and the landlord's name in the application is a different person. Having found that the tenant did not enter into a tenancy agreement with the person named in the Landlord's Application for Dispute Resolution, the landlord applied to amend the application. The landlord named in the tenancy agreement and other documentation also attended the conference call hearing and consented to the amendment.

As a result, the landlord was given the opportunity to amend the Landlord's Application for Dispute Resolution and the hearing is adjourned to provide the landlord with the opportunity to serve the tenant with the Amended Landlord's Application for Dispute Resolution and notice of hearing documents, as well as re-serving all evidence that the

landlord intends to rely upon at the hearing, and to allow the tenant sufficient time to respond to the application and evidence.

Conclusion

For the reasons set out above, I hereby order the landlord to file an Amended Landlord's Application for Dispute Resolution and serve a copy of that amended document, together with the notice of hearing provided by the Residential Tenancy Branch, a copy of this Decision, and all evidence that the landlord intends to rely on at the hearing, upon the tenant personally or by registered mail within 3 days of receiving this Decision and the new notice of hearing.

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 04, 2012.

Residential Tenancy Branch