



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding. The Landlord said he served the Tenant on April 11, 2011 with the Application and Notice of Hearing (the "hearing package") by registered mail. Section 90 of the Act says that a document delivered by mail is deemed to be received by the recipient 5 days later. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

However due to the following significant inconsistencies, I find that I cannot proceed with the Landlord's application:

- The Tenant's name on her BC ID card is "C\*\*\*\*a L.";
- The Tenant's name on the Application is "C\*\*\*\*\* L";
- The Tenant's name on the Tenancy agreement is "K.L. (L\*\*\*\*)" and her signature on it appears as "C\*\*\*a L"; and
- The Tenant's name on the 10 Day Notice to End Tenancy dated March 5, 2012 is "K. L. (D\*\*\*\*\*)."

Given the number and significance of these inconsistencies, the Landlord's application is dismissed with leave to reapply. The Landlord will have to serve a *new* 10 Day Notice on the Tenant and file and serve a *new* Application for Dispute Resolution using the Tenant's name on her BC Id card and any aliases she uses such as the one she used to sign the tenancy agreement (eg. "C\*\*\*\*\* L also known as C. L. ).

### Conclusion

The Landlord'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: May 02, 2012.

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Residential Tenancy Branch