



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      MNDC

### **Introduction**

This hearing was convened by way of conference call in response to an application made by the tenants for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement.

Both named tenants and one of the named landlords attended the conference call hearing, and the landlord stated that he also represents the landlord company. The landlord was also accompanied by a witness.

### **Issue(s) to be Decided**

Are the tenants entitled to a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement?

### **Background and Evidence**

The parties agree that one of the named tenants is the mother of the other named tenant and a guarantor of the tenant.

A discussion ensued prior to the affirmation of any of the parties with respect to the possibility of settling this dispute. The landlord's agent also provided evidence prior to the hearing and advised that the landlords are not properly named and one of the named landlords is not a person known to the landlord's representatives. Further, the name of the landlord's representative is not properly spelled and the landlord company has not been correctly named. The tenant applied to amend the application but was not certain what amendment was sought. The hearing was adjourned on June 5, 2012 to continue on June 21, 2012, in order to give the parties an opportunity to discuss settlement further.

The parties were not affirmed, nor did they give testimony, however, the discussions on both dates of the hearing show that a tenancy was created in which the tenant was offered a 6 month incentive for rent to be reduced from \$825.00 per month to \$687.50 per month for that 6 month period. The tenant stated that he did not receive the incentive, and the landlord kept the tenant's rent in the amount of \$825.00 for that 6 month period.

The landlord's agent stated that the tenant's rent is paid directly by the government and no rent payment was received for the first month of the tenancy. Rather than issuing a notice to end tenancy, the landlord's agent kept the difference and applied it to the rent for the first month of the tenancy and continued to do that until the amount was paid.

Rather than continue with the hearing on June 5, 2012, the parties agreed to adjourn the hearing to June 21, 2012 in order for the tenant to speak to a government ministry to attempt to ascertain what happened to the first month's rent cheque. When the hearing continued on June 21, 2012, the tenant had not learned what had happened to that rent cheque, however the landlord's agent provided evidence that the landlord finally received the rent cheque dated June 7, 2012, and was subsequently directed by the Ministry to return the cheque to the Ministry. The landlord did so, and provided a copy of a note dated June 14, 2012 from the Ministry to the landlord's property manager directing the return of those funds.

The landlord's agent further opposed the tenant's application to amend the Tenant's Application for Dispute Resolution, and opposed a further adjournment. The tenant stated that he was not able to prove the claim against the named landlords.

### **Analysis**

In order to be successful in an application, the applicant must be able satisfy a tribunal or Court that the respondents owe the tenant a specific amount. In the circumstances, I am satisfied of the amount claimed by the tenant, but I am not satisfied that the tenant has established that any of the named landlords are indebted to the tenant.

### **Conclusion**

For the reasons set out above, the tenant's application is hereby dismissed without 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: June 25, 2012.

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Residential Tenancy Branch