



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with the applicant's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the applicant and legal counsel for the respondent.

Legal counsel for the respondent submits that the named respondent was the landlord of the applicant until such time as the respondent issued a notice to end the tenancy as was requested by the purchaser of the dispute address. Counsel also submits that when title of the property was transferred to the purchaser the named respondent's obligations as landlord also transferred to the purchaser and the applicant has therefore named the wrong respondent.

The applicant testified he had attempted to contact the named respondent through his agent seeking the contact information for the new owner of the property but that the agent never responded to the applicant's queries despite being informed of the applicant's intent to file an Application for Dispute Resolution seeking compensation under Section 51 of the *Residential Tenancy Act (Act)*.

Section 1 of the *Act* defines landlord as the owner of the rental unit, the owner's agent or another person who, on behalf of the landlord, permits occupation of the rental unit under a tenancy agreement, or exercises powers and performs duties under the *Act*, the tenancy agreement or a service agreement.

Section 51 outlines that a tenant who receives a notice to end tenancy for landlord's use of the property (Section 49) may be entitled to compensation from "the landlord, or purchaser" if the landlord or purchaser fail to take steps or use the property for the purposes provided in the notice to end tenancy.

As the case before me involves the transfer of the ownership of the residential property and therefore the subsequent transfer of the obligations of the landlord to the purchaser, I find the applicant has named the wrong respondent.

Issue(s) to be Decided

The issues to be decided are whether the applicant is entitled to a monetary order for compensation or monies owed, pursuant to Sections 51, 67, and 72 of the *Residential Tenancy Act (Act)*.

Conclusion

As I have found the applicant has named the wrong respondent above, I dismiss this Application in its entirety.

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: July 18, 2012.

Residential Tenancy Branch