



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Prospect Management  
and [tenant name suppressed to protect privacy]

## **REVIEW DECISION**

### **Dispute Codes**

MNDC, OLC, ERP, RP, OPT, RR

### **Introduction**

The Tenant filed an Application for Dispute Resolution in which he applied for an order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* and/or the tenancy agreement; for an order requiring the Landlord to repair the rental unit; for an Order of Possession; and for a monetary Order for money owed or compensation for damage or loss.

A hearing was held on February 15, 2013. The Tenant was represented at that hearing but the Landlord was not represented at the hearing. At the conclusion of the hearing the Arbitrator granted the Tenant a monetary Order of \$1,675.00; she ordered the Landlord to complete inspections that are necessary to allow the Tenant to re-enter the rental unit; and she ordered the Landlord to allow the Tenant to recover the his property from the rental unit or, if the Tenant desires, to continue the tenancy.

On March 04, 2013 a party not named in the original dispute filed an Application for Review Consideration. On March 07, 2013, a second Arbitrator granted the application for a new hearing.

This review hearing has been convened to consider the merits of the Tenant's Application for Dispute Resolution.

The individual who filed the Application for Review Consideration stated that he mailed a copy of the second Arbitrator's decision and the Notice of Review Hearing documents to the rental unit on March 12, 2013. This individual submitted a Canada Post receipt that corroborates this statement.

The individual who filed the Application for Review Consideration stated that he also mailed a copy of the second Arbitrator's decision and the Notice of Review Hearing documents to an address in Kamloops, where he believes the Tenant resides on the week-end, on March 12, 2013. This individual submitted a Canada Post receipt that corroborates this statement.

On the basis of the information provided by the individual who filed the Application for Review Consideration, I find that the Tenant has been served notice of this review hearing, however he did not attend the hearing.

#### Issue(s) to be Decided

Is there a need to order the Respondent to inspect the rental unit; is there a need to order the Respondent to provide access to the rental unit; should the Tenant be granted an Order of Possession; and is the Tenant entitled to financial compensation for a fine he incurred for entering the rental unit and for being denied access to the rental unit?

#### Background and Evidence

The individual who filed the Application for Review Consideration stated that he is the Landlord of this rental unit and that he entered into a tenancy agreement with the Tenant. This individual submitted a copy of a tenancy agreement that corroborates this statement.

The individual who filed the Application for Review Consideration stated that he is not affiliated with a company by the name of Prospect Management and he is not aware of a company with that name.

#### Analysis

On the basis of the testimony of the individual who filed the Application for Review Consideration and the tenancy agreement that was submitted in evidence, I find that the Tenant has a tenancy agreement with the individual who filed the Application for Review Consideration and that the Tenant does not have a tenancy agreement with the Respondent named in his Application for Dispute Resolution.

As the Tenant does not have a tenancy agreement with the Respondent named in his Application for Dispute Resolution, I find that monetary Order naming that Respondent and any orders issued requiring that Respondent to take action in this tenancy are of no force or effect.

Had the Tenant attended the review hearing I would have considered an application to amend his Application to Dispute Resolution to name the individual who filed the Application for Review Consideration. As the Tenant did not attend the hearing, the Application for Dispute Resolution was not amended.

#### Conclusion

The February 15, 2013 Monetary Order of \$1,675.00 and any orders the Arbitrator granted in the February 15, 2013 decision are set aside. The Tenant retains the right to file another Application for Dispute Resolution in which he names the proper landlord.

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, 2013

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Residential Tenancy Branch

