



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, FF

Introduction

This is an application for a monetary order for \$1683.50 and a request for recovery of the \$50.00 filing fee.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

Before proceeding with any hearing I dealt with the issue of whether or not the applicant has named the proper person as the respondent, and it is my finding that he has not.

The applicant named the respondent as the Administrator of the Estate of the deceased, however the respondent is not the Administrator of the State, nor is he the Trustee.

The applicant stated he named the respondent because the respondent had arranged some of the deceased's affairs after the disease passed away and therefore he was acting as though he was the Administrator of the Estate.

The respondent testified that he certainly is not the Administrator or Trustee of the Estate, and that he was simply assisting in resolving issues after his friend, the deceased had passed away.

Conclusion

I am not willing to proceed with the hearing against the respondent, as the applicant has named the incorrect person as the respondent in this matter.

This application is therefore dismissed with leave for the applicant to file a claim against the correct respondent.

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, 2013

Residential Tenancy Branch

