



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION ON REQUEST FOR CLARIFICATION/ CORRECTION

Dispute Codes: FF MNDC MNR MNSD OPR

The applicant has requested a clarification/correction to the Residential Tenancy Branch decision dated October 09, 2013.

Section 78 of Residential Tenancy Act enables the Residential Tenancy Branch to clarify a decision or order.

The Landlord requests a correction to an obvious error in the monetary Order which was issued listing only one of the two Tenants' names.

The Landlord submitted copies of the original Decision and Orders to support the request.

The original decision on page 1, paragraphs three and four state as follows:

*Section 88(1) of the Residential Tenancy Act and Section 3.1 of the Residential Tenancy Rules of Procedures determines the method of service for documents. In addition to the Order of Possession, the Landlord applied for a monetary Order which requires that the Landlords serve **each** respondent as set out under Residential Tenancy Rules of Procedures.*

In this case only one of the two Tenants has been personally served with the Notice of hearing documents. Therefore, I find that the request for a monetary Order against both Tenants must be amended to include only the male Tenant, D.C., who has been properly served with Notice of this Proceeding. As the second Tenant, C.M. has not been properly served the Application for Dispute Resolution as required the monetary claim against the female Tenant is dismissed without leave to reapply.

To clarify the above two paragraphs, a finding was made that the female Tenant, C.M. was not properly served notice of the proceeding for the purpose of a monetary claim, as required by section 88(1) of the Act. Therefore, the monetary claim against the



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female Tenant, C.M. was dismissed and the monetary claim proceeded against the male Tenant D.C. This is why the Monetary Order was issued listing only the name of Tenant D.C. and did not include the C.M.'s name. Also, on page 3 of the decision, the second paragraph under the heading Conclusion, specifies that the monetary order must be served upon Tenant D.C. Removal of C.M.'s name from the monetary order was not an error.

Therefore, the original decision and orders stand.

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: November 15, 2013