



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants for a monetary order for return of double the security deposit and to recover the cost of the filing fee.

Both parties appeared, gave and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

### Preliminary matter

At the outset of the hearing the landlord's agent stated that the applicant (AT) is not a tenant, and has never acted as the tenant agent during the tenancy. The landlord's agent stated they have no idea who this person is and object to her filing the application and attending the hearing.

The applicant (AT) stated she was not a tenant and that she was a friend of the tenants. The applicant stated that the tenant has authorized the return of the security deposit to be paid directly to her and that she is authorized her to act on the tenant's behalf. Filed in evidence are two letters.

The first letter date which was dated in July 2013, appears to be written by the tenant as it is signed "sincerely" (JK). However, I note the tenants name is merely printed at the bottom of the letter.

The second undated letter was written by the applicant (AT), on behalf of the tenant. The letter is not signed by the tenant, however, I note the printing of both letters appear to be written by the same person, which is the applicant (AT).

I also note the tenants name in both of the letters appear to be printed by the same person, which is the applicant (AT).

Under the Residential Policy Guidelines, A tenant may appoint any trusted person as their agent. The agent may apply for dispute resolution on behalf of the tenant and would have full authority to settle the claims and may be named as a party to the dispute.

However, in this case the landlord has had no previous dealing with this applicant acting as agent for the tenant during the tenancy and objects to the applicant attending as the tenant's agent. While the applicant has submitted written verification, I find that neither of the letters submitted were signed by the tenant as both letters were written by the same person, which appears to be the applicant (AT).

As a result, I find the application has failed to prove that they have been authorized by the tenant to act as their agent. Therefore, I decline to hear the matter. The tenant (JK) is at liberty to reapply.

### Conclusion

The applicant (AT) has failed to prove that they are authorized to act as agent for the tenant. Therefore, the application is dismissed with leave for the tenant (JK) 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: December 04, 2013

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Residential Tenancy Branch