



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC

Introduction / Background / Evidence

In response to cross applications with regard to this same tenancy, an Interim Decision dated September 24, 2013, and a Decision dated November 12, 2013 were issued. In short, both applicants established entitlement to compensation and a monetary order was issued in favour of the tenant.

The present hearing was scheduled in response to the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement. The tenant and "MO," the person representing the landlord, attended and gave limited affirmed testimony.

"MO" testified that when the tenant's application for dispute resolution was received by registered mail, the package did not include a "Notice of a Dispute Resolution Hearing." In the result, "MO" testified that she had to contact the Branch in order to determine the time and date of the telephone conference call hearing, as well as the pass code for calling in.

"MO" also testified that the landlord named on the tenant's application is not the correct name of the landlord, or the landlord's name as shown on the written tenancy agreement. Further, "MO" testified that the Branch declined to accept documentary evidence from her as she is not named in the application as a party to the dispute. "MO" testified that "RD," the landlord named on the tenancy agreement is her brother, and that she and her brother were both owners of the unit at the time when this tenancy began. "MO" testified that "RD" is no longer an owner of the unit. Following from all of the foregoing, "MO" requested that the matter either be adjourned or that the tenant's application be dismissed.

Conclusion

Pursuant to all of the above, the tenant's application is hereby dismissed with leave to reapply.

Style of Cause

I hereby ORDER that any future application made by the tenant in regard to this particular tenancy must name the landlord in an identical manner to the way in which the landlord is named on both, the Interim Decision dated September 24, 2013, and the Decision dated November 12, 2013.

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: June 16, 2014

Residential Tenancy Branch

