



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Eric's World of Leisure dba P.G. Hostel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNDC, ERP, RP, RR, O

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application for a monetary Order for money owed or compensation for damage or loss; for an Order requiring the Landlord to make repairs to the rental unit; for authorization to reduce the rent; and for "other".

Both parties were represented at the hearing.

Issue(s) to be Decided

Is there a need to issue an order requiring the Landlord to make repairs to the rental unit and is the Tenant entitled to compensation for deficiencies with the rental unit?

Background and Evidence

The Tenant stated that on September 16, 2014 he personally served the Application for Dispute Resolution to someone at the business with the initials "E.W.O.L.". The Respondent acknowledged that the Application for Dispute Resolution was personally served to a sales person at that business.

Background and Evidence

The Tenant stated that he believes the male who owns the business with the initials "E.W.O.L." is/was also the landlord of the rental unit that is the subject of this dispute, which is the Tenant's former residence. The Tenant based this conclusion on his understanding that this male owns everything in this residential/commercial complex.

The Agent for the Respondent stated that the male the Tenant refers to owns the building where the business with the initials "E.W.O.L." is located, but he is not an owner of this business. He stated that the business is owned by the male's former spouse. He stated that the business with the initials "E.W.O.L." is located in the same building as the rental unit, but the business does not act as a landlord for the rental unit.

Analysis

I find that the Tenant has submitted insufficient evidence to show that he entered into a tenancy agreement with the business with the initials "E.W.O.L." or that this business is a landlord of the rental unit. In reaching this conclusion I was heavily influenced by the Agent for the Respondent's testimony that the business is the not the landlord of the rental unit. In reaching this conclusion I was also influenced by the absence of any documentary evidence that corroborates the Tenant's belief that the business with the initials "E.W.O.L." is, or was, the landlord of the rental unit.

As there is insufficient evidence to show that the business with the initials "E.W.O.L." is the landlord of the rental unit, I dismiss the Tenant's application for a monetary Order that names this Respondent, without leave to reapply. The Tenant does not have the right to file another claim against this Respondent.

There is no evidence to show that a representative for the business with the initials "P.G.H" has been served with the Application for Dispute Resolution and Notice of this Hearing. In reaching this conclusion I was heavily influenced by the absence of any evidence to show that the Respondent with the initials "E.O.W.L" does business as that party.

As there is no evidence that the business with the initials "P.G.H" has been properly served with the Application for Dispute Resolution, I dismiss the Tenant's application for a monetary Order that names this business, with leave to reapply. The Tenant has the right to file another Application for Dispute Resolution which names this Respondent.

Conclusion

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 08, 2014

Residential Tenancy Branch

