



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WALL FINANCIAL CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call in response to the landlords application for a Monetary Order for damage to the unit, site or property; for an Order permitting the landlord to keep all or part of the tenant's security deposit; for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; and to recover the filing fee from the tenant for the cost of this application.

At the outset of the hearing the respondents son appeared and stated that the respondent named on the landlords application died in 2012. This party stated that he lived in the unit from this time and had paid rent for the unit; however, no new tenancy agreement was entered into between this party and the landlord.

The party objects to the application naming his father and requested that the landlord reserve the tenant using the tenant's correct name. The tenant would not allow the landlord's application to be amended to identify the correct tenant.

It is the landlord's responsibility to ensure the respondent named on the application is the person who was living in the rental unit as the tenant. A landlord cannot name a party who has been deceased for two years as any Orders made against that party would not be enforceable.

Conclusion

I have dismissed the landlord's application with leave to reapply to identify the correct respondent on the new application. As the landlord's application has been dismissed for this reason I will extend the time the landlord has to file a new application to keep the security deposit.

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 11, 2014

Residential Tenancy Branch

