



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD FF

Introduction

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act (the Act) for orders as follows:

- a) An Order to return double the security deposit pursuant to Section 38; and
- b) To recover the filing fee for this application.

SERVICE

Both parties attended the hearing but the named landlord said she is not the landlord and the landlord was not named or served with the Application. The tenant said the named person collected the rent and wrote the receipts.

Background and Evidence and Analysis:

I find the named person on the Application is not the landlord and the attending person objected and said she was not the right person. I find the landlord is clearly named on the tenancy agreement and he is the person responsible for the security deposit. He submitted a large number of documents regarding amounts allegedly owed by the tenant. I explained that the landlord must file an Application to claim any amounts allegedly owed. Although the tenant said the person he named on his Application is a spouse of the landlord and collected rent, I find this does not make her the landlord as the tenancy agreement does not name her as a landlord.

Conclusion:

I dismiss this application without recovery of the filing fee due to lack of success. I give the tenant leave 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: March 12, 2015

Residential Tenancy Branch

