



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order. The hearing was conducted by conference call. The landlord's agent called in and participated in the hearing. The tenant did not attend the hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

The landlord's agent testified at the hearing that the tenant, Mr. B.S. was improperly named in the application. The landlord's agent said the tenant's name is B.H., although she said that the tenant has not produced identification to confirm his name. There is no written tenancy agreement and according to the landlord's agent the tenancy agreement was made between the tenant and a former owner, now deceased. The landlord has not applied to amend the application to name the proper party as tenant, although the landlord did submit as part of the documentary evidence a copy of the form used to amend an application for dispute resolution. The form was never submitted to the Residential Tenancy Branch the application for dispute resolution has not been amended.

Analysis

The landlord's evidence established that the person named as the respondent in this proceeding is not the landlord's tenant. Because the landlord has not named the proper party as the respondent in this proceeding, the landlord's application is dismissed with leave to reapply.

Conclusion

The application is dismissed with 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 31, 2016

Residential Tenancy Branch