



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Warfield Apts Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MND, MNR, MNSD, FF, SS

### Introduction

This was a hearing with respect to the landlord's application for a monetary award. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The respondent did not call in to the hearing. The landlord's representative testified that the Public Guardian was appointed to manage the tenants' affairs and the landlord served the Public Guardian with the application and Notice of Hearing by registered mail sent on September 25, 2015. The landlord's representative provided a tracking number for the registered mail said to have been sent to the office of the Public Guardian and Trustee of B.C. in Vancouver.

The landlord did not submit any documentation from the Public Trustee to confirm that the Public Trustee has been appointed to manage the affairs of the tenant.

### Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?  
Is the landlord entitled to retain the security deposit?

### Background and Evidence

The rental unit is an apartment in Trail. The landlord did not submit a copy of a tenancy agreement. According to the landlord the tenancy began in August, 2012. The monthly rent was \$550.00. The tenant paid a security deposit of \$230.00 at the start of the tenancy.

The landlord said that the tenant had a car accident in the spring of 2015. In June 2015 the landlord's representative discovered the tenant was ill in the rental unit. The tenant was hospitalized and has not returned to the rental unit since she was hospitalized. The landlord contacted the tenant's son. The landlord's representative said that the son paid rent for the month of July and then gave notice effective August 31, 2015. The landlord said in the application for dispute resolution that:

He (the son) informed us that his mother had a public guardian. We contacted the Public Guardian and Trustee of BC- they had a file on her and told us that we would have to go to the courts to have August rent paid.

The landlord did not submit copies of any correspondence sent to the Public Trustee or received from the Trustee.

The landlord said that the application and supporting documents were sent to the office of the Public Trustee in Vancouver by registered mail. The landlord did not submit any documents to confirm that the application was sent to the Public Trustee by registered mail. I consulted the Canada Post website and according to the tracking information provided by the landlord the registered mail was sent on September 25, 2015, but it was sent to an address in Trail and was signed for by "F.L." apparently a private individual with no evident connection to the tenant or to the office of the Public Trustee.

### Analysis

The landlord has not established that the Public Trustee has been appointed to manage the affairs of the tenant. The landlord has not established that the Public Trustee was served with this application and the landlord has not served the tenant with the application and Notice of Hearing. In the absence of proof that the Public Trustee is a proper party to the proceeding and in the absence of proof of service, this 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: April 07, 2016

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Residential Tenancy Branch