



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

The tenant applies for a monetary award for damages claiming that the enjoyment of his rental unit was significantly disrupted by the activities of a neighbouring tenant.

He vacated the building shortly after bringing this application in April 2016.

The respondent did not attend the hearing within 15 minutes after its scheduled start time. The tenant testifies that he personally served the respondent with the application and notice of hearing. Indeed it was the respondent who filled out the application for the tenant.

The respondent was the manager of the apartment building containing this rental unit. The tenant says he was let go short after the end of April 2016.

The tenant says that there is a written tenancy agreement showing that his landlord was a company, M Group.

As stated at hearing, given the absence of the landlord or the respondent at this hearing, it is not open to an arbitrator to grant relief against a party not named in the application. It would therefore not be possible to grant the tenant any relief against his former landlord.

The tenant's application is dismissed, with leave to re-apply. I make no determination about the recovery of the filing fee for this application and leave it to the discretion of any future arbitrator dealing with this dispute and who, after hearing the evidence, would

be in a better position to decide whether, in all the circumstances, the landlord should be responsible for this fee.

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 04, 2016

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Residential Tenancy Branch

