



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed on May 18, 2016. The Applicant filed seeking a Monetary Order for the return of double the security deposit plus interest.

Issue(s) to be Decided

Has the application for Dispute Resolution been completed in accordance with the *Act*?

Background and Evidence

Upon checking the participants into the hearing I requested the female Tenant provide me with the spelling of her surname to confirm her identity. The female provided a different spelling than what was listed on the application for Dispute Resolution during which I heard another female voice on the line. The second female identified herself as the Tenant's advocate.

The advocate submitted that she was the person who completed the application for Dispute Resolution listing an incorrect spelling of the Tenant's name. The advocate stated that she was present with the Tenant when the respondent landlord was served notice of this hearing and a copy of the application for Dispute Resolution.

The Landlord was not present during the teleconference hearing.

Analysis

Section 62 (2) of the *Act* stipulates that the director may make any finding of fact or law that is necessary or incidental to making a decision or an order under this *Act*. After careful consideration of the foregoing; documentary evidence; and on a balance of probabilities I find pursuant to section 62(2) of the *Act* as follows:

Section 59(2) of the *Act* stipulates that an application for dispute resolution must be in the applicable approved form; include full particulars of the dispute that is to be the subject of the dispute resolution proceedings; and be accompanied by the fee prescribed in the regulations.

Residential Tenancy Policy Guideline 23 stipulates that parties who are named as applicant(s) and respondent(s) on an application for dispute resolution must be correctly named.

Section 59(5)(c) provides that the director may refuse to accept an application for dispute resolution if the application does not comply with subsection (2).

In absence of the respondent landlord, and in consideration of the error made when spelling the Tenant's surname on the application, I declined to hear these matters, pursuant to section 59(5)(c) of the *Act*. If the Tenant wishes to peruse this matter she is at liberty to file another application that correctly lists the participants to the dispute.

Conclusion

The Tenant was not correctly named on the application for Dispute Resolution; therefore, I declined to hear these matters.

This decision is final, legally binding, and 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 15, 2016

Residential Tenancy Branch