



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing was convened by way of conference call in response to the tenants' application a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; and to recover the filing fee from the landlords for the cost of this application.

The parties attended the conference call hearing, and were given the opportunity to be heard, to present evidence and to make submissions under oath. The parties provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure; however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Issues

At the outset of the hearing the respondent named on the tenants' application gave testimony that he was not the landlord of this rental unit but rather the contractor who was hired by the new owners of the property to do renovation work. The two people who are the owners are in fact the respondent's sisters and although he does live at the same address as his sisters he was never a part owner of the rental property. His sisters had intended to reside in the rental unit after they purchased it and a renovation had been completed; however, as asbestos was found in the property his sisters decided to demolish it instead and rebuild.

The tenants testified that they had completed a title search for the address of the rental unit and found that two other people with the same last name as the respondent were the owners of the property after their landlord sold it.

Analysis

When a party files an application they must name the respondent correctly on their application. It is my decision that the tenants have named someone as the respondent who is not a party to these proceedings. Consequently, I dismiss the tenants' application with leave to reapply, naming the correct respondents, in order to proceed with this matter at another hearing.

Conclusion

The tenant's application is dismissed with leave to reapply.

The tenants must bear the cost of filing this application.

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: January 25, 2017

Residential Tenancy Branch