



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding Advanced Property Management Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, MNDC, FF

Introduction

This is an application brought by the tenant(s) requesting a monetary order in the amount of \$2800.00 and requesting recovery of their \$100.00 filing fee.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The first issue I dealt with was a request by the respondents to be removed as respondents from this application, claiming that they have been incorrectly named.

Background and Evidence

The respondent stated that they were acting as agents for the landlord however their involvement with the landlord ended on June 13, 2016, when this tenancy ended, and they have nothing to do with the landlord since then.

The respondent further stated that the Notice to End Tenancy was given under instruction from the actual landlords, and therefore if the landlords did not move into the rental unit, as stated on the Notice to End Tenancy, it's the actual landlords who should be named as respondents.

The respondent therefore believes that they have been incorrectly named and request that they be removed as respondents in this claim.

The applicant stated that they had signed the tenancy agreement with the respondents, and the respondents are the ones that served the Notice to End Tenancy, and therefore they believe that the respondents can be named as the landlord in this dispute.

The applicants further stated that the actual owners of the property were never named in either the tenancy agreement or the Notice to End Tenancy, and therefore they have no way of knowing how to locate and serve the owners of the property.

The applicants are therefore requesting that this hearing proceed against the respondents they have named.

Analysis

It is my finding that the applicants have named the incorrect respondents on this application.

The respondents named on this application were acting as agents for the landlord and were acting on instructions from the landlord when the Notice to End Tenancy was given.

Further, the respondents in this case stop acting as agents for the landlord on the same day that the applicants vacated the rental unit and therefore they are no longer involved with this rental unit.

It was the actual landlords who had the obligation to move into the rental unit and, if they failed to do so, any claim for compensation must be filed against them.

Therefore, pursuant to section 62 of the Residential Tenancy Act, this application is dismissed with leave to reapply naming the correct respondents.

I further order that the applicants bear the \$100.00 cost of the filing fee as it was their error in naming the incorrect respondents.

Conclusion

As stated above, this application has been dismissed, with leave to reapply naming the correct respondents.

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: June 22, 2017

Residential Tenancy Branch