



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF MNDC MNSD OLC

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("the Act") for: a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; authorization to obtain a return of all or a portion of their security deposit pursuant to section 38; an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and authorization to recover the filing fee for this application from the landlord pursuant to section 72

Both parties named in this application attended the scheduled hearing however the individual named as the landlord indicated that it was not he, but a larger company that he works for who is, in fact, the landlord. He provided the full accurate business name for the landlord to the tenants however the individual present at the hearing would not consent to an amendment to change the name at this hearing. He stated that he was not able or prepared to proceed at this time.

Policy Guideline No. 43 addresses naming of parties to an application. The guideline states that,

Parties who are named as applicant(s) and respondent(s) on an Application for Dispute Resolution must be correctly named. If any party is not correctly named, the director's delegate ("the director") may dismiss the matter with or without leave to reapply. Any orders issued through the dispute resolution process against an incorrectly named party may not be enforceable.

I dismiss the tenants' application with leave to reapply.

I note, for the benefit of the parties the following portion of the Policy Guideline with respect to naming a business,

In order to enforce Residential Tenancy Branch orders, the applicant must use the correct name of a respondent who operates as a business. If the party is a limited liability company or a registered corporation, then the full legal name of the company should be used on the application, and include the designations such as Incorporated, Inc., Limited, Ltd., Corporation or Corp. (and/or the French language equivalents). If the party is doing business as a particular named entity, the application should read as follows: John Smith dba (or doing business as) Garden Apartments, or John Smith carrying on business as Garden Apartments. An application that names a partnership will be enforceable against the partnership.

I encourage the parties to address this matter amongst themselves however the tenants' application is dismissed with leave to reapply. Any applicable timelines will still apply.

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: March 15, 2018

Residential Tenancy Branch