



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNRT, MNSD

### Introduction

This decision pertains to the Applicant's application for dispute resolution made on September 25, 2017, under the *Residential Tenancy Act* (the "Act"). The Applicant sought the following claims of relief:

1. a monetary order for the cost of emergency repairs; and,
2. an order for the return of the security or pet damage deposit.

A hearing was convened in respect of the application and the Applicant attended, presented oral statements, and was given the opportunity to present evidence and to make submissions. The Respondent did not attend.

While I have reviewed all oral and documentary evidence submitted, only relevant evidence pertaining to the preliminary issue of this application will be considered in my decision.

### Preliminary Issue: Failure of Applicant to Provide Full Legal Name of Respondent

Upon reviewing the application and the Residential Tenancy Branch (the "RTB") file, I noted that the Respondent's name was incomplete. One name was included, possibly as the Respondent's first name. However, a "?" was included where the Respondent's last name would ordinarily be recorded.

The RTB file indicated that an RTB information officer e-mailed the Applicant on September 27, 2017, advising them that "In order to proceed you are required to provide the legal first and last name of the landlord." There did not appear to be any follow-up from the Applicant to this request.

I asked the Applicant at the start of the hearing if they had since been able to obtain the full legal name of the Respondent, as it would be required to proceed with the hearing. They had not. The Applicant further acknowledged that while they had received a Notice of Dispute Resolution Proceeding, they did not serve it on the Respondent.

### Analysis

Section 59 (2) of the Act requires that an application for dispute resolution must, among other requirements, include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. Full particulars include a respondent's full legal name.

Further, section B of Residential Tenancy Policy Guideline 43 ("Naming Parties") states that "In order to enforce Residential Tenancy Branch orders, the applicant must use the correct legal name of an individual respondent. The individual's full legal name should be used on the application."

Given that the Applicant has failed to provide the Respondent's full legal name as required by section 59 (2) of the Act, I dismiss the application with leave to reapply.

### Conclusion

I dismiss the application with leave to reapply. The Applicant may wish to consider calling an information officer at the Branch to get information on how to locate the full name of the respondent.

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: May 11, 2018

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Residential Tenancy Branch