



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

On August 22, 2018, the Tenant applied for a Dispute Resolution proceeding seeking a Monetary Order for compensation pursuant to Section 51 of the *Residential Tenancy Act* (the “Act”) and seeking recovery of the filing fee pursuant to Section 72 of the *Act*.

The Tenant attended the hearing. D.L. attended the hearing and advised that she was the property manager that was previously acting as an agent for the Landlord. However, she stated that the business relationship between her company and the Landlord ended at the beginning of September 2018, and as such, her company no longer represents the Landlord.

The Tenant advised that she served the Notice of Hearing package by registered mail to the address she had for the Landlord on August 30, 2018. D.L. confirmed receipt of this package; but re-iterated that she did not have authorization to represent the Landlord as their business relationship had ended. She stated that she was only calling in because she was served this package. The Tenant advised that she did not have a service address for the Landlord, as the only address on her documentation was the address of the property management company.

Based on the evidence and testimony before me, I am not satisfied that the Notice of Hearing package was appropriately served to the Landlord, as the property management company was not acting as an agent for the Landlord anymore. As such, I dismiss the Tenant’s Application with leave to re-apply.

As the Tenant was unsuccessful in her claim, I find that the Tenant is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the Tenant's Application with leave to reapply.

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: December 20, 2018

Residential Tenancy Branch