



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      LAT, LRE, OLC, OPT, MNDCT, MNSD, FFT

### Introduction

This hearing was scheduled in response to the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- authorization to change the locks to the rental unit pursuant to section 70;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement pursuant to section 62;
- an order of possession of the rental unit pursuant to section 54;
- a monetary order for damage or compensation under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement pursuant to section 67;
- authorization to obtain a return of all or a portion of the security deposit pursuant to section 38; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord did not participate in the conference call hearing, which lasted approximately 30 minutes. Tenant ST and tenant MJ attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenants testified that on December 30, 2018 the tenants' application for dispute resolution and supporting documents were sent via registered mail to the landlord. Based on the testimony of the tenants and in accordance with sections 89 and 90 of the *Act*, I find that the landlord has been deemed served with the application and supporting documents on January 4, 2019, the fifth day after their registered mailing.

At the outset of the hearing the tenants confirmed that they wished to withdraw the following portions of the tenants' application;

- authorization to change the locks to the rental unit pursuant to section 70;

- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 62;
- an order of possession of the rental unit pursuant to section 54;

Accordingly, these portions of the tenants' application are withdrawn and no further actions in relation to these claims are required.

#### Preliminary Issue – Naming of the Landlord

Residential Tenancy Policy #43, establishes that if any party is not correctly named, the arbitrator 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. When an individual uses an alias, it is best to include the full legal name as well as the alias.

The tenants testified that they filed the application using the landlord's alias, as that was how they knew the landlord. However, they testified that since filing the application they have become aware of the landlord's legal name. Based on the above and in accordance with Residential Tenancy Policy #43, I dismiss the tenants' application with leave to reapply.

#### Conclusion

The tenants' application is dismissed 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: January 22, 2019

---

Residential Tenancy Branch