



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPILANO PROPERTY MANAGEMENT SERVICES INC OMNI
GROUP INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **FFT MNDCT**

Introduction

This is an application by the tenant under the Residential Tenancy Act (“the *Act*”), for the following:

- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* (“*Regulation*”) or tenancy agreement, pursuant to section 67;
- Reimbursement of the filing fee pursuant to section 72.

The representative DH appeared for the tenant (“the tenant”). LR appeared as agent for the landlord (“the landlord”).

This hearing is a continuation of a hearing which began on January 8, 2019 and was adjourned after 68 minutes to today.

Preliminary Issue

At the outset of the continuation of the hearing, the landlord provided affirmed testimony that the landlord believed DH was not the authorized agent of the tenant JS and could not properly appear at the hearing on behalf of the tenant.

Background

DH submitted evidence of two letters from the tenant JS. The first letter, dated June 8, 2018, purports to appoint DH as agent from May 30 to June 30, 2018. An illegible signature is at the bottom.

The second letter is an unsigned, unaddressed letter dated July 14, 2018 from the tenant JS which states as follows:

Please be aware that during my work travels with the United Nations commencing May 30 for approximately 1 year, I have appointed [DH] as my designated agent.

The letter is printed on a letter which includes the name of the United Nations at the top in English and French.

The landlord testified that the signature on the residential tenancy agreement and on the letter of June 8, 2019 do not appear to be the same.

Analysis

Rule 6.8 of the Rules of Procedure state as follows:

6.8 Proof of authority to act

The arbitrator may require an agent to provide proof of his or her appointment to represent a party and may adjourn a dispute resolution hearing for this purpose.

Pursuant to Rule 6.8, considering the circumstances and the evidence of the parties, I order that DH, on or before 1:00 PM on March 1, 2019, provide proof filed with the RTB of his appointment to represent the tenant JS in these proceedings. The appointment must be dated, signed and notarized; the appointment must reference the file number of these proceedings. DH must provide a copy to the landlord.

Conclusion

I order as follows:

- **I order** that DH, on or before 1:00 PM on March 1, 2019, provide proof filed with the RTB of his appointment to represent the tenant JS in these proceedings; the appointment must be dated, signed and notarized; the appointment must reference the file number of these proceedings; a copy must be provided to the landlord;
- **I order** this hearing will be reconvened in accordance with the Notice of Hearing documents attached to this Interim Decision;

- **I order** that this is not an opportunity for either party to amend their existing Applications for Dispute Resolution;
- **I order** that this is not an opportunity for either party to submit an additional Application for Dispute Resolution to be crossed or joined with any of the Applications for Dispute Resolution currently before me; and
- **I order** that this is not an opportunity for either party to submit additional evidence.

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: February 22, 2019

Residential Tenancy Branch