



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ARDENT PROPERTIES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant filed under the *Residential Tenancy Act*, (the “*Act*”), for a monetary order for money owed or compensation for damage or loss, and to recover the filing fee for their application. The matter was set for a conference call.

Both the Respondent and the Tenant attended the hearing and were each affirmed to be truthful in their testimony. The Respondent and Tenant were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing. The parties testified that they exchanged the documentary evidence that I have before me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issues to be Decided

- Is the Tenant entitled to a monetary order for money owed or compensation for damage or loss, pursuant to section 51 of the *Act*?
- Is the Tenant entitled to recover the filing fee for this application?

Preliminary Matter – Request for Dismissal

The Respondent submitted a written request for these proceedings to be dismissed, arguing that they should not be listed as the respondent to these proceedings.

The Respondent testified that they are not the legal Landlord/owner for the rental property and had only ever acted as the property manager for the Landlord/owner. The Respondent submitted a copy of the Property Management Agreement they had with the Landlord/owner of the rental property into documentary evidence.

The Respondent testified that they are no longer working for the Landlord/owner and that they no longer manage the rental property listed in these proceedings.

I have reviewed the Property Management Agreement and find that the agreement listed the name, address and contact information for the owner of the rental unit. I find that the Respondent has provided sufficient evidence to satisfy me that they are not the Landlord, nor do they have a reversionary interest in the rental unit.

I find that it is appropriate to dismiss the Tenant's application with leave to reapply, against the correct respondent.

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: May 24, 2019

Residential Tenancy Branch