



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCT, RPP, FFT

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenant applied for \$5,000.00 for money owed or compensation for loss under the *Act*, regulation or tenancy agreement, for the return of the tenant's personal property, and to recover the cost of the filing fee under the *Act*.

The tenant, two advocate for the tenant ("advocates"), GW who is representing a numbered company but not the respondent ("GW"), and witness JP who did not testify attended the teleconference hearing. The tenant, advocates, and GW were affirmed.

The parties were advised that as "Paul" was listed as the landlord respondent with no surname, that I would first be addressing service of the application. Advocate KT stated that the tenant amended their application to include the surname of the landlord, which the parties were advised was not before me. The parties were advised that there was no amendment uploaded into the dispute resolution portal and as a result, I had no access to an amendment served on the RTB by the tenant.

In addition, GW stated that while he was not representing "Paul" the respondent, he called into the hearing to advise that "Paul" was a contractor who no longer was employed by the owner of the building where the tenant previously resided. GW confirmed that the owner of the building was the numbered company. The numbered company and the mailing address of that numbered company were confirmed by the parties during the hearing and for ease of reference, has been included on the cover page of this decision.

Based on the above, and taking into account that "Paul" did not attend the hearing and there is no surname listed for "Paul" as the landlord, and without a signed tenancy

agreement submitted for my consideration, **I am not satisfied** that the landlord was correctly named or served with the Notice of Hearing, application and documentary evidence under the *Act*. I have reached this decision after considering the fact that there was no amended application before me for my consideration and GW attended the hearing and provided the name of a numbered company and a mailing address for that numbered company.

Both parties have a right to a fair hearing and the landlord would not be aware of the hearing without having received the Notice of Hearing, application and documentary evidence. Therefore, **I dismiss** the tenant's' application **with leave to reapply** due to a service issue.

I note this decision does not extend any applicable time limits under the *Act*. I do not grant the filing fee as a result of the service issue.

### Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the *Act*.

I do not grant the filing fee due to the service issue.

The decision will be emailed to the tenant at the email address provide by the tenant during the hearing. The respondent will be sent the decision by regular mail as the application did not contain an email address for the respondent.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: June 11, 2019

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Residential Tenancy Branch