



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, MNR-S, MND-S

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession as a result of a mutual agreement to end tenancy pursuant to section 55;
- a monetary order for unpaid rent and for damage to the unit pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38.

The landlord attended the hearing via conference call and provided undisputed testimony. The tenants did not attend or submit any documentary evidence.

Preliminary Issue(s)

At the outset, the landlord's application was discussed and it was learned that the named tenants were not the landlord's tenants, but were guests/occupant which the tenant had allowed in and have now refused to leave. The landlord further stated that the named tenants had vacated the rental unit on March 7, 2020.

I find based upon the landlord's undisputed testimony that the named tenants were incorrectly named. The landlord agreed and the landlord was advised that the respondent name should have been the person listed on the signed tenancy agreement. On this basis, the landlord's application was dismissed with leave to reapply at 11 minutes past the start of the scheduled hearing time.

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: April 16, 2020

Residential Tenancy Branch