



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THE ALPINE INN
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, RPP, FFT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on April 11, 2020, wherein the Applicant sought monetary compensation in the amount of \$34,7787.20, return of his personal possessions and recovery of the filing fee.

The hearing was scheduled for teleconference at 9:30 a.m. on June 1, 2020. Only the Applicant and his legal advocate, B.K., called into the hearing.

Preliminary Matter—Naming of the Parties

The Applicant listed the Respondent as a hotel. A copy of the "Weekly and Monthly Rental Agreement" was provided in evidence and which included the Applicants name; there was no person named as "Landlord" nor was there any indication as to the business structure under which the hotel operates.

The Legal Advocate confirmed they served the Respondent at the email address provided for on the Respondent's communication; however, this was a general email address and was not directed to a particular person.

The Legal Advocate also confirmed they did not review the Respondent's business license to determine the business structure under which the hotel was operated or the contact information for the hotel nor did they perform a company search to ascertain the registered records office, if the business was incorporated.

Residential Tenancy Branch Policy Guideline 43—Naming Parties provides in part as follows:

C. BUSINESSES AS PARTIES

In order to enforce Residential Tenancy Branch orders, the applicant must use the correct name of a respondent who operates as a business. If the party is a limited liability company or a registered corporation, then the full legal name of the company should be used on the application, and include the designations such as Incorporated, Inc., Limited, Ltd., Corporation or Corp. (and/or the French language equivalents).

If the party is doing business as a particular named entity, the application should read as follows: John Smith dba (or doing business as) Garden Apartments, or John Smith carrying on business as Garden Apartments.

An application that names a partnership will be enforceable against the partnership. If an applicant is seeking an order against the individual partners on the basis of the Partnership Act, the individual partners should be named and each served with a copy of the application.

It is up to the applicant to ensure that a party is properly named to ensure an enforceable order. Where the business is not properly named, for example Garden Apartments (only), the director may dismiss the application with leave to reapply unless the other party is present and consents to an amendment, or the director may issue the order using the name set out in the application

In this case, I am not satisfied the Applicant properly named the Respondent. I therefore dismiss this sApplication 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: June 01, 2020

Residential Tenancy Branch