



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, MNDL-S, FFL

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for damage to the unit - Section 67;
3. An Order to retain the security deposit - Section 38; and
4. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions. The Tenant states that it is still residing in the unit but will be moving out of the unit on July 25, 2020. The Tenant confirms that its email address as set out in the Landlord’s application is correct.

Preliminary Matter

The Landlord combines two names as one person for the Respondent. The Landlord confirms that it was informed by the Residential Tenancy Branch (the “RTB”) to amend the application to correctly set out one or two separate names as Respondent(s). The Landlord states that the amendment was made and also stated that problems were experienced with its computer. The Tenant states that no amended application was served on the Tenant. No amendment was received by the RTB.

Section 59(2)(b) of the Act provides that an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. Policy Guideline #43 provides that if a party is not correctly named the application for dispute resolution may be dismissed with or without leave. As the Landlord combined the names of two persons for one Respondent, I find that the Landlord has not provided sufficient particulars for the application. Given the lack of any amendment document received by the RTB and the Tenant's evidence that no amendment was received by the Tenant, I find on a balance of probabilities that the Landlord did not amend its application to correctly name the Respondents. I therefore dismiss the application with leave to reapply.

Conclusion

The application is dismissed 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 Act.

Dated: July 10, 2020

Residential Tenancy Branch