



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFT, OLC, RP, LRE, PSF, MNRT**

Introduction

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

- Authorization to recover the filing fee for this application from the landlord pursuant to section 72;
- An order for the landlord to comply with the Act, Regulations and/or tenancy agreement pursuant to section 62;
- An order for regular repairs pursuant to sections 32 and 62;
- An order to suspend a landlord's right to enter the rental unit pursuant to section 70;
- An order to provide services or facilities required by a tenancy agreement or law pursuant to section 62; and
- A monetary order for the cost of emergency repairs to the rental unit pursuant to section 33.

This hearing commenced at 9:30 a.m. I identified myself as the arbitrator and asked the parties on the line to identify themselves. The first person to answer was the tenant's advocate, named as the primary contact for the tenant on the Tenant's Application for Dispute Resolution Proceedings, (RTB form -12T-CT.). In the room with the advocate was the tenant who also identified herself.

At the commencement of the hearing, it was determined that the advocate named the tenant as the respondent instead of the landlord on the Tenant's Application for Dispute Resolution Proceedings. The landlord's actual name does not appear anywhere on the tenant's application.

Preliminary Issue

Section 59(2)(b) of the *Residential Tenancy Act* states an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. This is further examined in Residential Tenancy Branch Policy Guideline PG-43 [Naming Parties] which states:

The Residential Tenancy Act requires Applications for Dispute Resolution to include the full particulars of the dispute that is subject to the dispute resolution proceedings.

Parties who are named as applicant(s) and respondent(s) on an Application for Dispute Resolution must be correctly named.

If any party is not correctly named, the director's delegate ("the director") may dismiss the matter with or without leave to reapply. Any orders issued through the dispute resolution process against an incorrectly named party may not be enforceable.

As the tenant did not provide full particulars of the dispute, including a correctly named landlord, I dismissed the tenant's application with leave to reapply.

Conclusion

The tenant's application is dismissed with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the *Act*, including the deadlines for applying for dispute resolution.

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: October 16, 2020

Residential Tenancy Branch