



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSDS-DR, FFT

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 38.1 of the *Residential Tenancy Act* (the “Act”) and dealt with an Application for Dispute Resolution by the Tenants for a monetary order for the return of a security deposit and to recover the filing fee.

In an *ex parte* Direct Request Proceeding, the onus is on the tenant to ensure that all submitted evidentiary material is in accordance with the prescribed criteria and that such evidentiary material does not lend itself to ambiguity or give rise to issues that may need further clarification beyond the purview of a Direct Request Proceeding. If the tenant cannot establish that all documents meet the standard necessary to proceed via the Direct Request Proceeding, the application may be found to have deficiencies that necessitate a participatory hearing, or, in the alternative, the application may be dismissed.

Paragraph 13(2)(b) of the *Act* establishes that a tenancy agreement is required to identify “the correct legal names of the landlord and tenant.”

I have reviewed all documentary evidence submitted and I find that the Landlords’ names which appear in the Tenants’ application are different than the name that appears in the tenancy agreement. There is also no evidence or documentation showing that the Tenants are entitled to relief from the Landlords named in the application.

This discrepancy in the landlord's name raises an issue that cannot be addressed in a Direct Request Proceeding. As I am unable to confirm the correct legal name of the landlord, I find that the Tenants’ request for a monetary order for the return of the security deposit is dismissed with leave to reapply.

As the Tenants are not successful, I find that the Tenants’ request to recover the filing fee is dismissed without 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: April 15, 2021

---

Residential Tenancy Branch