



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNETC

Introduction and Preliminary Matters

On July 14, 2021, the Tenant applied for a Dispute Resolution proceeding seeking a Monetary Order for compensation in the amount of 12 months' rent pursuant to Section 51 of the *Residential Tenancy Act* (the "Act").

The Tenant attended the hearing, with C.K. attending as an advocate for the Tenant. However, neither Respondent attended the hearing at any point during the 24-minute teleconference. At the outset of the hearing, I informed the parties that recording of the hearing was prohibited and they were reminded to refrain from doing so. All parties acknowledged these terms. As well, all parties in attendance provided a solemn affirmation.

The Tenant advised that she served a Notice of Hearing and evidence package, by registered mail, to the address that Respondent K.D. provided on the Two Month Notice to End Tenancy for Landlord's Use of Property (the "Notice"). This package was served on July 9, 2021.

She also advised that she served a Notice of Hearing and evidence package, by registered mail, to the address that Respondent K.D. provided for the purchaser (Respondent J.N.) on the Notice. This package was also served on July 9, 2021.

However, she submitted that she believes that Respondent K.D. sold the property at some point in time but was not sure when this was exactly. Furthermore, while Respondent J.N.'s name was provided in the "Purchaser Information" section of the Notice, she was not sure who this person was or if this person was the owner of the

rental unit currently. Regardless, she is certain that whoever owns the property currently has not used the rental unit for the stated purpose on the Notice.

When reviewing the documentary evidence and testimony before me, I am not satisfied that sufficient or compelling evidence has been provided to establish when or if the rental unit sold to another party, who the owner of the rental unit currently is, and who should be named as the appropriate Respondent in this Application. As such, this Application is dismissed with leave to reapply.

Conclusion

The Tenant's 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 *Residential Tenancy Act*.

Dated: October 28, 2021

Residential Tenancy Branch