



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1294539 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, FF

Introduction, Preliminary and Procedural Matters-

This hearing convened as a result of the landlord's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- an order of possession of the rental unit pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued to the tenant; and
- to recover the cost of the filing fee

At the hearing, the landlord/owner attended the teleconference hearing. The tenant did not attend the hearing. For this reason, service of the Notice of a Dispute Resolution Hearing (Notice of Hearing), application and documentary evidence was considered.

The landlord testified that the tenant was served the Application for Dispute Resolution, evidence, and Notice of Hearing (application package) by registered mail sent on December 8, 2021. The landlord provided the Canada Post tracking number in the hearing as proof of service. That tracking number is listed on the style of cause page of this Decision.

The evidence showed that the residential property is a hotel, and the landlord purchased the residential property in June 2021. The landlord submitted that the tenant was a resident at the time they purchased the property, and they were not given a tenancy agreement for any of the occupied rooms. The landlord said that they have received identification from most of the existing tenants. However, this tenant refused to provide her ID card to the landlord.

The landlord said that the tenant failed to pay the monthly rent of \$950 for September, October, November, and December 2021, and January 2022. In February, 2022, the

landlord said they suddenly received a rent cheque on behalf of the tenant and again in March 2022, they received another rent cheque.

The landlord said that he was made aware from the resident manager that the tenant's surname was not the same as listed on their application for dispute resolution or on the Notice served to the tenant.

The landlord informed me of what he believed the tenant's surname was and I note, I find the names were not similar to each other. The tenant's surname on the application and Notice contained 9 letters and the name given as the correct name contained 7 letters. Only 4 letters were the same in each name.

Tenancy Policy Guideline 43 states:

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.

Further, the Policy Guideline states:

B. INDIVIDUALS AS PARTIES In order to enforce Residential Tenancy Branch orders, the applicant must use the correct legal name of an individual respondent. The individual's full legal name should be used on the application. Individual names that include initials or titles may not be enforceable.

In the matter before me, I find the landlord submitted insufficient evidence to show that the correct legal name of the tenant was used in the application for dispute resolution.

For this reason, I **dismiss** the landlord's application, without leave to reapply, against the party named here due to the evidence that the name used was not the tenant's correct legal name.

During the hearing, the landlord presented testimony that there were issues with this tenancy, other than the matter of unpaid monthly rent.

These issues were not before me, and I could not consider them. The landlord, as with any landlord or tenant, may speak with staff at the Residential Tenancy Branch (RTB) to seek information about tenancy related matters. The contact information is located on the attached information page.

Conclusion

The landlord's application for an order of possession of the rental unit and 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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: March 22, 2022

Residential Tenancy Branch