



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      OLC, FFT

### **Introduction**

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

The tenant is deceased and was represented by their father KH in this hearing. Both parties were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. Both parties were clearly informed of the RTB Rules of Procedure Rule 6.11 which prohibits the recording of a dispute resolution hearing. Both parties confirmed that they understood.

### **Preliminary Issue – Identity of Applicant**

This application was filed by the tenant's father KH as the tenant is deceased. Upon clarification as to the remedies requested by KH, KH testified that they wanted an order for the landlord to release the tenant's personal belongings, return the tenant's security deposit, and for the landlord to compensate the applicant for losses.

KH testified that they were the administrator of the estate of the deceased tenant, and had authority to make this application. The landlord does not feel that KH has the right to file this application for the requested remedies, and is disputing the claims made.

In consideration of the evidence before me, I find that it is undisputed that the named tenant is deceased. I am not satisfied, however, that the applicant has provided sufficient evidence to support their identity, and that they are administrator of the estate

for the deceased, and in light of the disputed testimony, I dismiss the application with leave to reapply.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As I was not required to make a decision on the merits of this case, I find that the applicant is not entitled to recover the \$100.00 filing fee paid for this application. The applicant must bear the cost of this filing fee.

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: March 15, 2022

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Residential Tenancy Branch