



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing convened to deal with the tenants' application for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act). The tenants applied for a return of their security deposit and to recover the cost of the filing fee.

The tenants and their advocate attended the hearing; however, the landlord did not attend. All parties were affirmed. The advocate made the application on behalf of the tenants at their request.

The advocate testified she served the landlord with the Application for Dispute Resolution, evidence, and Notice of Hearing (application package) by registered mail on or about January 19, 2022.

Based on the affirmed testimony of the tenant's advocate, the hearing proceeded in the landlord's absence.

The advocate and tenants were provided the opportunity to present their evidence orally and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules). However, not all details of the tenant's submissions are reproduced here; further, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters-

The only documentary evidence provided by the tenants included a copy of a shelter information form for tenant MP that formed the basis of this tenancy. I was told that tenant BP had his own shelter information form with the same tenancy details. However, that form was not filed in evidence. The other documentary evidence was a copy of a written forwarding address for tenant MP, a receipt for the registered mail for the proof of service of the written forwarding address and a monetary order worksheet.

Although I indicated to the tenants and their advocate that I would continue with the hearing, upon further scrutiny and review of the tenant's evidence after the hearing, I find the name of the landlord on the shelter information form was not the same landlord named in the tenants' application. The given name was substantially different, apart from the same first initial.

The tenants did not provide any other evidence identifying their landlord of two years, such as proof of rent payments being sent to the landlord or communications between the parties.

For these reasons, I cannot determine that the tenants have named or served the correct landlord. Without this proof, any monetary order may not be enforceable.

I therefore find the tenants submitted insufficient evidence that they have named the correct landlord and as a result, I am unable to proceed on making a Decision on the merits of the tenants' application.

I therefore **dismiss** the tenants' application, **with leave to reapply**. The tenants should be prepared to demonstrate for a future application for dispute resolution proof that the correct party is being named as respondent.

Leave to reapply does not extend any applicable time limitation periods.

Conclusion

The tenant's application is dismissed, with leave to reapply, due to insufficient evidence that the correct respondent was named in their application.

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: August 22, 2022

Residential Tenancy Branch