



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## DECISION

Dispute Codes      OLC, FFT

### Introduction

This hearing dealt with the Tenants application filed under the *Residential Tenancy Act* (the “Act”) to request an Order for the Landlord to comply with the *Act*, and the return of their filing fee. The matter was set for a conference call.

The Tenants attended the hearing, as the Landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered.

The Tenants testified that they do not know the full legal name of their Landlord but that they served the Notice of Dispute Resolution Hearing documents to the Landlord’s agent.

The Tenants were advised that they could not have a hearing against a respondent if they did not know the legal name of the respondent.

The Tenants were asked why they did not list the name of the Landlord’s agent, listed on their tenancy agreement, as the respondent to these proceedings. The Tenants testified that they had been under the understanding that they need to file against the legal owner of the property.

Section 1 of the *Act*, provides the legal definition of a landlord, stating the following:

### **Definitions**

**1 In this Act:**

*"landlord", in relation to a rental unit, includes any of the following:*

*(a) the owner of the rental unit, the **owner's agent** or another person who, on behalf of the landlord,*

- (i) permits occupation of the rental unit under a tenancy agreement, or*
- (ii) exercises powers and performs duties under this Act, the tenancy agreement or a service agreement;*

The Tenants were advised that they would need to find out the full legal name of the Landlord in order to file for a hearing against them or to file against the name of the Landlord's agent listed on their tenancy agreement.

I find that it is appropriate to dismiss the Tenants' application with leave to reapply, against the correct named respondent.

### Conclusion

I dismiss the Tenants' application 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: May 26, 2023

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Residential Tenancy Branch