



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD FF

### Introduction

This hearing dealt with an Application for Dispute Resolution filed on December 20, 2102, by the Tenants to obtain a Monetary Order for the return of double their security deposit and to recover the cost of the filing fee for their application.

### Issue(s) to be Decided

Should this application be dismissed?

### Background and Evidence

At the outset of this proceeding the Tenant confirmed that the named respondent to this dispute is not the name of their Landlord and was not the person to whom their rent was made payable to. She acknowledged that the Landlord is a corporation and the person she named in the dispute was in fact a property manager acting as Agent for the Landlord.

### Analysis

*Section 59 of the Act* stipulates that an application for dispute resolution must be in the approved form, include full particulars, and be served upon all parties relating to the dispute.

*Residential Tenancy Policy Guideline # 23* provides that an Arbitrator will not add a person, business, or limited company as a party without that party's consent, if that party is not named on the application for arbitration and is not properly served. The Arbitrator may dismiss the application with leave to reapply in order to allow the applicant to add or remove a party.

In this case the Tenants filed an application naming only the employee or Agent of their Landlord and did not properly name the corporate Landlord. No one appeared at the teleconference hearing on behalf of the respondent; therefore, I dismiss the application with leave to reapply.

Conclusion

I HEREBY DISMISS the Tenant's 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: March 15, 2013

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Residential Tenancy Branch

