



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss, to keep all or part of the security deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony and have not submitted any documentary evidence. The Landlord states that the named Tenant, C.W. is the Landlord's Tenant and that C.D. is only an occupant. C.D. disputes this stating that she is the Tenant. Both parties confirmed in their direct testimony that there is no signed tenancy agreement. The Landlords have both confirmed that C.D. is an occupant of the rental unit. C.D. states that the named Tenant, C.W. is her mother in law and that she has never lived at the rental unit. Both parties confirmed in their direct testimony that rent was paid by the occupant, C.D. to the Landlord. The Landlord states that the security deposit and initial rent payment was made by the named Tenant, C.W.

The Landlord, D.R. states that the notice of hearing package was served upon the named Tenant, C.W. by posting it to the rental unit door. I find that service in this fashion is contrary to the Residential Tenancy Act as service in this fashion can only be perfected if the application package is for possession of the rental unit only. In this case, the Landlord has applied for an order of possession and a monetary order.

There is dispute as to who the legal Tenant should be and that the Landlord has failed to provide sufficient evidence to satisfy me who that person is. In these circumstances without sufficient evidence to support the Landlord's claim, this application is dismissed 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: January 15, 2014

Residential Tenancy Branch

