



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNDCT, RPP, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (Application) filed by the Tenant under the *Residential Tenancy Act* (the Act), on March 24, 2023, seeking:

- Compensation for monetary loss or other money owed;
- The return of personal property; and
- Recovery of the filing fee.

The hearing was convened by telephone conference call on April 21, 2023, at 11:00 am and was attended by the Tenant and the Landlord, both of whom provided affirmed testimony.

The parties were advised that inappropriate behavior would not be permitted and could result in limitations on participation, such as being muted, or exclusion from the proceedings. The parties were asked to refrain from speaking over me and one another, to hold their questions and responses until it was their opportunity to speak. The parties were also advised that personal recordings of the proceedings were prohibited under the Residential Tenancy Branch Rules of Procedure (Rules of Procedure) and confirmed that they were not recording the proceedings.

Residential Tenancy Policy Guideline (Policy Guideline) #43 states that the applicant must use the correct legal name of an individual respondent. At the hearing I noted that the name given for the Landlord is not their correct legal name and is a nickname for the Landlord in combination with an incorrect surname. Policy Guideline #43 also states that where an individual is not properly named, the director may dismiss the Application for Dispute Resolution with leave to reapply. Further to this, the Rules of Procedure state that the respondent must be served a copy of the Application and Notice of

Hearing and based on the testimony of the parties at the hearing, and Branch records, I am satisfied that the Landlord was not properly served as the registered mail sent was not in their name and was therefore returned to sender. I am also satisfied that the only reason the Landlord attended the hearing, is that they received an auto-generated email from the Branch, which prompted them to contact the Branch, at which time they were provided a courtesy copy of the NODRP. As a result, I am satisfied that the Tenant failed to serve the Landlord with the NODRP as required by section 59(1) of the Act and Rule 3.1 of the Rules of Procedure. As a result, the Application is dismissed with leave to reapply, except for the claim for recovery of the filing fee, which is dismissed without leave to reapply.

Conclusion

The Application is dismissed with leave to re-apply, except for the claim for recovery of the filing fee, which is dismissed without leave to reapply. This is not an extension of any statutory deadline.

The Landlord, under affirmation, provided the spelling of their full legal name, and their address for service, both of which have been recorded on the cover page of this decision.

This decision is made on authority delegated to me by the Director of the Branch under Section 9.1(1) of the Act.

Dated: April 21, 2023

Residential Tenancy Branch