



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Diversified Properties Ltd.
and [tenant name suppressed to protect privacy]

INTERIM DECISION

Dispute Codes OPL FF

Introduction

This matter dealt with an application by the landlord for an order of possession pursuant to a notice to end tenancy for landlord use. The landlord, the tenant and an advocate for the tenant participated in the teleconference hearing.

Preliminary Issues

Jurisdiction

The tenant stated that she is not a tenant, because the tenancy agreement ended in 2006. The tenant acknowledged that she has remained in the rental unit and continued to pay rent, and I therefore found that the tenancy reverted to a month-to-month tenancy, the tenant was still a tenant, and I have jurisdiction to consider this matter.

Service of Documents

The tenant acknowledged that she received the notice to end tenancy for landlord use by registered mail on May 27, 2013. The tenant also acknowledged that she did not apply to dispute the notice. I informed the landlord and the tenant that as the effective date of the notice to end tenancy is July 31, 2013, and that date has already passed, I could not at this time consider an extension of time by the tenant to apply to dispute the notice.

The tenant stated that she did not receive a copy of the landlord's application for dispute resolution in her hearing package. The landlord's agent did not assemble and mail the hearing package to the tenant and he could not therefore confirm what documents were contained in the hearing package. Further, the landlord did not submit a copy of the notice to end tenancy to the Branch. For those reasons, I determined that it was appropriate to adjourn the hearing and allow the landlord an opportunity to serve the tenant with a copy of the landlord's application for dispute resolution, and to submit a copy of the notice to end tenancy to the Branch.

Conclusion

I order the landlord to serve the tenant a copy of the landlord's application for dispute resolution, and I order the landlord to serve a copy of the notice to end tenancy to the Branch, in accordance with the service provisions under the Act.

The hearing will reconvene on the time and date set out in the enclosed notice of hearing.

This interim 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: August 2, 2013

Residential Tenancy Branch