



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Li-Car Management Group
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR RR

Introduction

This hearing dealt with the tenant's application to cancel a notice to end tenancy for unpaid rent, and for a reduction in rent for repairs, services or facilities agreed upon but not provided. The tenant, an advocate for the tenant and three agents for the landlord participated in the teleconference hearing.

Preliminary Issue – Service of the Application for Dispute Resolution

The landlord stated that they only received one page via fax from the tenant, which was the notice of dispute resolution hearing. The tenant stated that they faxed a total of four pages, including the application for dispute resolution. However, the tenant did not provide evidence that all four pages were successfully faxed. Further, an application for dispute resolution cannot be served by fax. For these reasons, I dismissed the tenant's application with leave to reapply.

In the hearing the landlord orally requested an order of possession. When a tenant applies to cancel a notice to end tenancy and their application is dismissed, if the landlord orally requests an order of possession I must grant it. I therefore grant the landlord an order of possession.

Conclusion

The tenant's application is dismissed with leave to reapply.

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: December 19, 2013

Residential Tenancy Branch

