



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OC

This is an application filed by the tenant for an order for the landlord to comply with the Act, Regulations or Tenancy Agreement.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

It was clarified with both parties at the beginning of the hearing that the tenant was seeking an order for the landlord to comply with the Act, Regulations or Tenancy Agreement. The tenant's details state, "Notice not given in person given but over the phone and to individual who lives in basement. Sec. 88 and Sec. 55. Notice given to tear house down but all permits not in place. Sec. 49 RTA." The tenant clarified that he was not properly served with a notice on June 1, 2014 as a 2 month notice for landlord's use was left with a basement tenant and not properly served upon the tenant. The landlord confirms this. The landlord states that as such he cancelled the first notice and issued a second notice dated June 25, 2014 for landlord's use and as such no further action is required as the tenant has not filed a dispute against this notice.

The tenant argues that he included the second notice dated June 25, 2014 (in the body of his documentary evidence package) which was served upon him by the landlord and wishes to dispute it. The landlord argues that the tenant did not properly file an application for dispute and that dispute of the June 25, 2014 was not properly disputed within the allowed time frame and cannot be heard in this hearing. The tenant confirmed that he did not properly amend the application for dispute to include the June 25, 2014 notice. The landlord argues that as no proper application for filed the tenant's application to include the June 25, 2014 notice for dispute cannot be heard. The tenant dispute this.

The Residential Tenancy Branch Rules of Procedure state that the applicant may amend application prior to the hearing date as long as the Residential Tenancy Branch and the Respondent are properly served within the allowed time frame. It is clear that the tenant has failed to do so. As such, the tenant's request to include the June 25, 2014 notice after he filed his initial application on June 5, 2014 was not properly amended and cannot be considered for this hearing.

The tenant's application is dismissed.

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: July 25, 2014

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Residential Tenancy Branch

