



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order of possession for landlords' use of property, pursuant to section 55.

"Landlord GG" and the tenant did not attend this hearing, which lasted approximately 10 minutes. Landlord RG ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he had authority to speak on behalf of his wife, landlord GG, as an agent at this hearing (collectively "landlords").

The landlord confirmed that the tenant was served with the landlords' application for dispute resolution hearing package on March 11, 2017, by way of registered mail. The landlord provided a Canada Post tracking number verbally during the hearing. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was duly served with the landlords' application on March 16, 2017, five days after its registered mailing.

At the outset of the hearing, the landlord confirmed that he did not provide a copy of the 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice") to the Residential Tenancy Branch ("RTB") prior to this hearing. He said that he only sent a copy of two text messages, which I had not received, to the RTB and the tenant. The landlord said that he did not serve any other written evidence to the tenant or the RTB.

Rule 2.5 of the RTB *Rules of Procedure* states that landlords must serve a copy of a notice to end tenancy, if they are seeking an order of possession, with the application package at the time it is filed or within three business days after an online application is filed. The landlords failed to submit any notice to end tenancy to the RTB.

The landlords also failed to include a description of why they were seeking an order of possession or what reason they indicated on the 2 Month Notice in the “details of the dispute” section of their application.

Pursuant to section 59(2)(b) of the *Act*, an application must include the full particulars of the dispute that is to be the subject of the dispute resolution proceedings. The purpose of the provision is to provide a tenant with enough information to know the landlords’ case so that the tenant might defend herself. I find that the landlords failed to include full particulars beyond stating that they wished to obtain an order of possession because they served a 2 Month Notice to the tenant.

For the above reasons, I advised the landlord that I was dismissing the landlords’ application with leave to reapply. I notified the landlord that he would be required to file a new application and pay a new filing fee if he wished to pursue this matter further against the tenant.

Conclusion

The landlords’ 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: April 11, 2017

Residential Tenancy Branch