



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes OPC

### Introduction

This hearing was convened to deal with the landlord's application under the *Residential Tenancy Act* (the "Act") filed April 10, 2017 seeking an order of possession for cause pursuant to s. 55 and authorization to recover the application filing fee.

The landlord's application was based on an undated 1 Month Notice to End Tenancy for End of Employment, although based on the landlord's testimony and evidence the landlord should have served a 1 Month Notice to End Tenancy for Cause.

The landlord attended the hearing with his son-in-law. The tenant did not attend.

As the tenant did not attend, service of the landlord's application, notice of hearing, and supporting evidence was considered. The landlord testified that he had not served the tenant with these materials and had only advised the tenant orally about the application.

Section 89(2) of the Act sets out the methods by which an application may be served on the opposing party. An application cannot be considered if it has not been served on the opposing party.

### Conclusion

The landlord's application was **dismissed with leave to reapply on a different notice to end tenancy**, as the tenant had not been served with the application, notice of hearing, or supporting evidence. This decision does not extend any applicable time limits under the Act.

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

Dated: May 16, 2017

---

Residential Tenancy Branch