



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Landlord under the *Residential Tenancy Act* (the “Act”), for an Order of Possession pursuant to a One Month Notice to End Tenancy for Cause (the “One Month Notice”) and recovery of the filing fee.

The hearing was convened by telephone conference call and was attended by the agents for the Landlord (the “Agents”), the Tenant, and legal counsel for the Tenant (the “Tenant’s legal counsel”), all of who attended at the appointed time, prepared to proceed. All parties provided affirmed testimony or submissions and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all evidence and testimony before me; however, I refer only to the relevant facts and issues in this decision.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession pursuant to sections 47 and 55 of the *Act*?

Is the landlord entitled to monetary compensation to recover the filing fee pursuant to section 72 of the *Act*?

Background, Evidence, and Analysis

While I accepted significant testimony from both parties regarding this Application, ultimately I find that the Notice is not valid as it does not contain a signature from the

Landlord and therefore does not comply with section 52 of the *Act*. I also find that this cannot be amended under section 68 of the *Act*.

Based on the above, the One Month Notice is cancelled and of no force or effect. As a result, I order that the tenancy continue until it is ended in accordance with the *Act*.

Conclusion

The One Month Notice is cancelled and Landlord's Application is dismissed. As a result, I order that the tenancy continue until it is ended in accordance with the *Act*.

As the Landlord was unsuccessful in their Application, I decline to grant recovery of the filing fee.

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: October 16, 2017

Residential Tenancy Branch