



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes

Tenant: CNL RP FF
Landlord: OPL FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”).

The Tenant applied for an order:

- To cancel of the Landlord’s Notice to End Tenancy for Landlord’s Use of Property (the Notice);
- To the landlord to make repairs to the rental unit pursuant to section 33; and,
- To recover the filing fee for this application.

The Landlord cross applied for:

- An order of possession based on the Notice; and,
- Authorization to recover the filing fee for this application

The Landlord and the Tenant both attended the hearing. All parties provided affirmed testimony. Neither party raised any issues with respect to service of either of the Application Packages. Both parties confirmed receipt of each other’s documentary evidence.

Both parties agree that the Tenancy started in August of 2017. Both parties acknowledged that they signed a Tenancy Agreement prior to the Tenant moving in. However, neither party is able to locate the copy of the signed Tenancy Agreement. Both parties appear to have lost or misplaced their copies of this document.

The parties disagree on the terms of the Tenancy Agreement. The Tenant testified that he signed a one year fixed term lease, beginning in August of 2017. The Landlord testified that the tenancy was always month-to-month, and there was no fixed term.

I find the Tenancy Agreement is a critical component with respect to my findings in this hearing. As such, I request both parties to try to locate a copy of the Tenancy Agreement. I ask that each party submit a copy of this Tenancy Agreement, if they locate it, by fax to 250-356-0841. Please send this to my attention, and reference the file numbers listed above. No additional evidence may be submitted, other than the Tenancy Agreement, or a letter explaining the party was still unable to locate the tenancy agreement.

I must receive this documentation no later than December 18, 2017, at 9:00 am. In the event that neither party can locate the Tenancy Agreement, I will proceed to make a decision in the absence of this document.

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 07, 2017

Residential Tenancy Branch