



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE, O, FFT

Introduction

This hearing was scheduled in response to the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") pursuant to section 47;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an "other" remedy; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant and the landlords attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

At the outset of the hearing, the tenant testified that she did not serve the tenant's application for dispute resolution to the landlords. The landlords confirmed they did not receive an application or any particulars of the dispute from the tenant. The landlords testified that they received notification of the hearing through an email from the Residential Tenancy Branch.

As per section 59 of the *Act*, a party that files an application for dispute resolution with the Branch must serve the other party the full particulars of the dispute within three days of making the application. The purpose of this provision is to provide the responding party with enough information to know the applicant's case so that the respondent might defend him or herself. Based on the parties' testimony and pursuant to section 59, I dismiss the tenant's application with leave to reapply. Leave to reapply does not constitute an extension of any applicable time limit.

Conclusion

I dismiss the tenant's entire application with leave to re-apply.

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 21, 2018

Residential Tenancy Branch