



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding FERNIE FAMILY HOUSING SOCIETY and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPN FF

### Introduction

This hearing was convened as a result of the landlord's Application for Dispute Resolution. A participatory hearing was held on December 13, 2019. The landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession because the tenant has given written notice to end the tenancy; and,
- to recover the filing fee from the tenant for the cost of this application.

Both parties attended the hearing and provided testimony. During the hearing, it was confirmed that the Landlord made her application under the wrong ground. She stated the Tenant never gave written notice that he would be ending the tenancy. Rather, the Landlord is wishing to end the tenancy based on a 1-Month Notice to End Tenancy for Cause that they issued. There was some confusion as to what the issue was for this hearing, given the grounds selected by the Landlord do not coincide with the Notice issued. Given the Tenant never gave written notice to end the tenancy, and the Landlord made her application under the wrong ground, I dismiss the Landlord's application for an order of possession, with leave to reapply.

The Landlord must re-apply, under the correct grounds (apply for an order of possession based on the 1 month notice to end tenancy for cause she already issued in September 2019). The Landlord must serve the Tenant with the new Notice of Hearing, and her evidence.

Both parties expressed a willingness to discuss alternative arrangements after the hearing ended. I encourage both parties to work together and solve matters on their

own, if possible. However, if an agreement cannot be reached, the Landlord is at liberty to apply for an order of possession based on the 1 month notice she issued.

The Landlord's 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: December 13, 2019

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Residential Tenancy Branch