



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction, Preliminary and Procedural Matters-

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order of possession of the rental unit pursuant to a One Month Notice to End Tenancy for Cause (Notice).

The landlord's agents, the tenant and her legal advocate attended the hearing.

The description in the landlord's application showed that the tenant has not been served with any Notice to end the tenancy. The landlord's agent claimed that they received instructions from the Residential Tenancy Branch (RTB) staff in an email to file their application in this manner. I have reviewed the email from RTB to which the landlord's agent referred; however, I disagreed with their interpretation of that email.

Nonetheless, at the outset of the hearing, the landlord's agents were informed that I could not proceed on the landlord's application for an order of possession based upon a One Month Notice to End a tenancy when the tenant has not been served a Notice.

A requirement of section 47 of the Act is that a landlord may end a tenancy by giving a Notice to the tenant.

As a result of the above, I refuse the landlord's application under section 59(5)(a) of the Act, as the landlord's application does not disclose a dispute that may be determined under this part of the Act.

Conclusion

The landlord's application has been refused pursuant to section 59(5)(a) of the Act.

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: June 22, 2020

Residential Tenancy Branch