



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause ("1 Month Notice"), pursuant to section 47.

The landlord, the two tenants, and the tenants' advocate attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenants confirmed that their advocate had permission to speak on their behalf at this hearing. This hearing lasted approximately 22 minutes.

The landlord confirmed receipt of the tenants' application for dispute resolution hearing package and the tenants' advocate confirmed receipt of the landlord's evidence. In accordance with sections 88, 89 and 90 of the *Act*, I find that the landlord was duly served with the tenants' application and the tenants were duly served with the landlord's evidence.

At the outset of the hearing, I notified the tenants that they did not provide a copy of the 1 Month Notice, that is the subject of the hearing. The landlord did not provide a copy of the 1 Month Notice either. The tenants claimed that they thought they submitted the notice but could not find it in their evidence.

I notified the tenants that their evidence did not include a copy of the 1 Month Notice. I further informed them that their evidence was submitted late on January 19, 2021, less than 14 days before this hearing, contrary to Rule 3.14 of the Residential Tenancy Branch *Rules of Procedure*.

I informed both parties that I required a copy of the 1 Month Notice in order to determine whether it complies with section 52 of the *Act*. This is a requirement in order to determine whether an order of possession can be issued, pursuant to section 55 of the *Act*. The tenants had ample time to submit the 1 Month Notice prior to the hearing, as they applied on November 6, 2020, and this hearing was held on January 29, 2021.

I notified the tenants that their application was dismissed with leave to reapply. I informed them that if they wanted to pursue this matter further, they could file a new application, pay a new filing fee, provide a copy of the 1 Month Notice and any evidence. The tenants confirmed their understanding of same.

The landlord stated that he wanted an order of possession against the tenants. I informed him that he was at liberty to file an application for same. The landlord confirmed his understanding of same.

Conclusion

The tenants' application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: January 29, 2021

Residential Tenancy Branch