



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FFT

Introduction

The tenant disputes a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to section 47(4) of the *Residential Tenancy Act* (“Act”), they sought an order under section 62 of the Act for landlord compliance, and, they sought to recover the cost of the application filing fee under section 72 of the Act.

Both parties attended the hearing on June 14, 2021.

Preliminary Issue: No Copy of Notice in Evidence

The hearing did not proceed today because neither party submitted a copy of the Notice. The very raison d'être for this hearing was for the tenant to dispute the Notice, and, for the landlord to prove the reasons why they issued the Notice. I can think of no more important document in such a hearing than the Notice, yet it was not provided.

As explained to the parties, an applicant's evidence must be submitted to the Residential Tenancy Branch a minimum of 14 days before the hearing. The respondent's evidence must be submitted to the Residential Tenancy Branch a minimum of 10 days before the hearing. These requirements are set out in the *Rules of Procedure*, and are designed to ensure a fair, efficient, and consistent process for resolving disputes between landlords and tenants (see [Rules of Procedure](#)).

It is not lost on me that the landlords were quite disappointed with my decision not to proceed. I appreciate their frustration in dealing with what they believe to be a difficult tenancy. However, as explained, they remain fully at liberty to issue another One Month Notice to End Tenancy for Cause. If the tenant chooses to dispute such a notice then there will be a further hearing, for which the parties can upload the required evidence, including a copy of the notice. In addition, the landlords may contact the Residential Tenancy Branch for other options that may be available to them.

Conclusion

I dismiss the tenant's application, without leave to reapply. (It should be noted that the tenant's application for an order under section 62 of the Act related to the notice to end tenancy.)

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: June 14, 2021

Residential Tenancy Branch