



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for landlord's use of the property; an order that the landlords comply with the *Residential Tenancy Act*, regulation or tenancy agreement; and to recover the filing fee from the landlords for the cost of the application.

The tenant and both landlords attended the hearing, during which the landlords advised that the tenant has not served the Notice of Dispute Resolution Proceeding package. The tenant replied that the tenant received an email from the Residential Tenancy Branch containing the phone number and passcode to use to access this hearing, and did not know that the tenant was required to serve the landlords.

I have reviewed the record, and the tenant was provided with a 4-page document from the Residential Tenancy Branch entitled Notice of Dispute Resolution Proceeding, which states on page 2: "The applicant is required to give the Residential Tenancy Branch proof that this notice and copies of all supporting documents were served to the respondent." The *Residential Tenancy Act* requires an applicant to serve the notice to the respondent(s) within 3 days of receiving the notice. Since the tenant has not done so, I dismiss the tenant's application in its entirety without leave to reapply.

The *Act* also specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord so long as the notice given is in the approved form. In this case, the landlords have provided 1 page only of the 4-page Two Month Notice to End Tenancy for Landlord's Use of Property, and the tenant has provided 2 pages of the Notice. Since the Notice must be in the approved form according to the law, and no one has provided

a 4-page form, I cannot be satisfied that any given to the tenant was in the approved form. Therefore, I decline to grant an Order of Possession in favour of the landlords.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without 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: May 20, 2022

Residential Tenancy Branch