



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord filed on August 3, 2022, under the *Residential Tenancy Act* (the “Act”) that this is an urgent application about a tenant who poses an immediate and severe risk to the rental property, other occupants or the landlord and wants an order of possession, pursuant to section 56 of the Act, and to recover the cost of the filing fee.

Both parties appeared.

Preliminary and Procedural matters

In this case, the landlord has issued a One Month Notice to End Tenancy for Cause pursuant to section 47 of the Act, on July 8, 2022, for an incident that occurred June 23, 2022. The tenant disputed the notice to end tenancy on July 11, 2022, and a hearing is to be held on December 5, 2022. I have noted the file number on the covering page of this decision.

The landlord made this Application for an expedited hearing on August 3, 2022, which I noted the details within their application do not provide sufficient details as to what, when and how the tenant poses an immediate and severe risk. The landlord’s agent acknowledged that this is related to the same incident of June 23, 2022, and that the details they have provided in the application are vague.

I find the landlord’s application does not comply with section 59 of the Act, as they must provide the full particulars of the matter that is to be heard within their application. Further, the landlord has given notice to the tenant, by way of issuing a One Month Notice to End Tenancy for Cause and that hearing is to be heard on December 5, 2022.

Therefore, I find it would be procedurally unfair to the tenant to allow the landlord's application to proceed. Therefore, I dismiss the landlord's application.

The merits of the One Month Notice for Cause, issued on July 8, 2022, will be heard and considered on December 5, 2022.

The tenant acknowledged at this hearing that they will ensure that their guests will have no contact with the landlord or any of the landlord's staff.

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: August 29, 2022

Residential Tenancy Branch