



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPL, OPN, MNRL, MNDL, MNDCL, FFL

Introduction

This hearing was convened as a result of the landlord's Application for Dispute Resolution. A participatory hearing was held on December 15, 2022. The landlord applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

The landlord attended the hearing and provided affirmed testimony. The tenant arrived at the hearing 30 minutes late. The Landlord stated she posted the Notice of Dispute Resolution Proceeding and evidence package to the Tenant's front door on August 9, 2022. Pursuant to section 90 of the Act, I find the Tenant is deemed to have received this package 3 days after it was posted. The Tenant did not provide any documentary evidence.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence submitted in accordance with the rules of procedure, and evidence that is relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

The Landlord applied for multiple remedies under the *Act*, a number of which were not sufficiently related to one another.

Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After looking at the list of issues before me at the start of the hearing, I determined that the most pressing and related issues deal with whether or not the tenancy is ending. As a result, I exercised my discretion to dismiss, with leave to reapply, all of the grounds on the Landlord's application with the exception of the following grounds:

- An order of possession based on a 2-Month Notice to End Tenancy for Landlord's use of the property (the "2-Month Notice"), dated April 10, 2022.
- An order of possession based off a 10 Day Notice to End Tenancy for Unpaid rent (the 10 Day Notice) dated July 1, 2022.

Preliminary Matters – Incomplete application

2.5 Documents that must be submitted with an Application for Dispute Resolution

To the extent possible, the applicant should submit the following documents at the same time as the application is submitted:

- *a detailed calculation of any monetary claim being made;*
- *a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and*
- *copies of all other documentary and digital evidence to be relied on in the proceeding, subject to Rule 3.17 [Consideration of new and relevant evidence].*

When submitting applications using the Online Application for Dispute Resolution, the applicant must upload the required documents with the application or submit them to the Residential Tenancy Branch directly or through a Service BC Office within three days of submitting the Online Application for Dispute Resolution.

In this case, the Landlord failed to provide copies of any of the Notices to End Tenancy, and I find they failed to comply with Rule 2.5. A significant amount of time was spent trying to understand which Notices were issued, when, and which grounds they were based on. The Landlord, nor her agents, were able to sufficiently explain the details in a manner that would allow the hearing to proceed. Ultimately, given the deficiencies in the Landlord's application and evidence, and the significant confusion in the hearing, I dismiss the Landlord's application, in full, with leave.

I make no findings on the merits of any of the Notices issued thus far, and the Landlord must re-apply for any remedies sought in this proceeding.

Conclusion

The Landlord's application is dismissed, in full, with 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: December 16, 2022

Residential Tenancy Branch