



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- an order of possession for unpaid rent and utilities pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Tenant:

- cancellation of the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- more time to make an application to cancel the landlord’s 10 Day Notice pursuant to section 66;
- a monetary order for the cost of emergency repairs to the rental unit pursuant to section 33;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order to the landlord to make repairs to the rental unit pursuant to section 32;

All named parties attended the hearing.

The landlord was not served with the tenant’s application. The tenant stated that she just sent it by regular mail only two weeks ago even though the tenant’s application was filed October 23, 2022. The landlord testified they have not received anything in the mail from the tenant. The tenant’s application was dismissed due to lack of service.

Unfortunately neither party submitted a copy of the 10 Day Notice(s) subject to this dispute. The landlord only submitted a picture of a 10 Day Notice posted to a door. The landlord did not submit a copy of the second page of this Notice. In the hearing, the landlord was asked to provide the information on the second page of the 10 Day Notice; however, the landlord advised she did not keep a copy. The landlord was advised that she could not be granted an order of possession without a complete 10 Day Notice being provided on file. The landlord was advised to restart the process and issue a new 10 Day Notice and this time keep a copy and submit it as evidence if a further application is required. The landlord was agreeable to this suggestion and withdrew her application.

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: March 03, 2023

Residential Tenancy Branch