



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LUXMORE REALTY MANAGEMENT  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, RP

### 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 cause, and for an order that the landlord make repairs to the rental unit or property.

The tenant attended the hearing with a Social Worker to assist. An agent and an assistant for the landlord also attended.

At the commencement of the hearing, the landlord's assistant submitted that the tenant did not serve the Notice of Dispute Resolution Proceeding within 3 days as required by the *Residential Tenancy Act*, but served the landlord by email on December 18, 2023. The tenant does not recall how or when the landlord was served.

The *Act* requires a party who makes an application to serve the respondent with a hearing package within 3 days of receiving it from the Residential Tenancy Branch. In this case, the tenant was provided with the hearing package on September 21, 2023. I accept the undisputed submission of the landlord's assistant, and I find that the tenant has not complied with the law. Therefore, I dismiss the tenant's application in its entirety without leave to reapply.

The *Act* also states 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. I have reviewed the One Month Notice to End Tenancy For Cause provided by the tenant and I find that it is in the approved form and contains information required by the *Act*. Therefore, I grant an order of possession in favour of the landlord.

The landlord's agent submitted that the landlord will be content with an effective date of vacancy of January 31, 2024 and I so order.

I hereby grant an order of possession in favour of the landlord effective at 1:00 p.m. on January 31, 2024 and the tenancy will end at that time. The tenant must be served with the order of possession, which may be filed in the Supreme Court of British Columbia for enforcement.

### Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

I hereby grant an order of possession in favour of the landlord effective at 1:00 p.m. on January 31, 2024.

This order is final and binding and may be enforced.

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: January 19, 2024

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Residential Tenancy Branch