



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Dole Enterprises Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, FF  
                              CNC

### Introduction

This hearing was convened by way of conference call concerning applications made by the landlords and by the tenant. The landlords have applied for an Order of Possession for cause and to recover the filing fee from the tenant for the cost of the application. The tenant has applied for an order cancelling a notice to end the tenancy for cause.

The named landlord attended the hearing and represented the landlord company. The tenant also attended, and the parties each gave affirmed testimony.

During the course of the hearing, the landlord testified that the tenant did not serve the landlords with the Tenant's Application for Dispute Resolution in accordance with the *Residential Tenancy Act* and did not serve all of the evidentiary material. The landlord testified that the Tenant's Application for Dispute Resolution and some of the evidentiary material was found on the floor in the landlord's office on October 4, 2016. The tenant testified that all evidentiary material was also served on the landlord by the same method, and that the landlord has all of the tenant's evidence.

The *Residential Tenancy Act* states that an application for dispute resolution must be served by personally handing it to the person or by sending it registered mail within 3 days of making the application. In this case, it's clear that the tenant did not do either. Therefore, I am not satisfied that the tenant's application has been served in accordance with the *Act*, and I dismiss the tenant's application.

The *Act* also states that where I dismiss a tenant's application to dispute 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, I have reviewed the 1 Month Notice to End Tenancy for Cause dated September 30, 2016 and containing an effective date of vacancy of October 31, 2016. I find that it is in the

approved form and contains information required by the *Act*, and the landlords are entitled to an Order of Possession.

Since the effective date of vacancy has passed, I grant the Order of Possession on 2 days notice to the tenant.

Since the landlords have been successful with the application, the landlords are also entitled to recovery of the \$100.00 filing fee, and I grant a monetary order in favour of the landlords for that amount.

### Conclusion

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

I hereby grant an Order of Possession in favour of the landlords on 2 days notice to the tenant.

I further grant a monetary order in favour of the landlords as against the tenant pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$100.00.

These orders are 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: November 22, 2016

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Residential Tenancy Branch