



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for cause pursuant to section 55;
- authorization to recover its filing fee for this application from the tenant pursuant to section 72.

The landlord's agent (the landlord) attended the hearing via conference call and provided undisputed affirmed testimony. The landlord stated that the tenants were served with the notice of hearing package and the submitted documentary evidence via Canada Post Registered Mail on August 31, 2017. The landlord has provided a copy of the Canada Post Customer Receipt and tracking label as confirmation. I accept the undisputed affirmed evidence of the landlord and find that the tenants were properly served as per sections 88 and 89 of the Act.

Preliminary Issue

A review of the landlord's application and evidence shows that the landlord failed to provide the completed 2 page, 1 Month Notice to End Tenancy issued for Cause. The second page was omitted in the landlord's submissions. The landlord stated that the tenant was served with the completed 2 page, 1 Month Notice initially and again as part of the documentary evidence package provided for the hearing. I accept the landlord's undisputed affirmed evidence and the landlord's reason(s) for cause were provided verbally in his direct testimony. The landlord was ordered to provide a copy of the completed 2nd page to the Residential Tenancy Branch within 1 hour of the scheduled hearing and that this submission or lack thereof would form part of the decision for this application. On Monday, November 20, 2017, a review of evidence submissions by the RTB Information Supervisor, showed no submissions made on this file. Section 47 of the Act states that a landlord may end a tenancy by giving notice to end the tenancy for a number of reasons. In the landlord's application before me the applicant has failed to

provide a complete copy of the 1 Month Notice. I spent a large portion of the hearing explaining the crucial and vital nature of this document to the landlord in his request to end the tenancy based upon this document. The notice is not a trivial piece of information. It is the foundation that a landlord relies on to assist in the application to end a tenancy when there is cause. The landlord was given an opportunity to provide the missing evidence in support of the application, but failed to do so. I find that the landlord has failed to provide a complete 1 Month Notice and pursuant to section 52 of the Act in order to be effective the landlord seeking an order of possession must provide a complete copy of the 1 Month Notice. As such, the landlord's application is dismissed 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: November 20, 2017

Residential Tenancy Branch