



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      Tenant: CNC CNE LRE LAT OLC FF  
Landlord: OPC FF

### Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”). Both parties applied for multiple remedies under the Act. The Tenant filed 3 different applications to cancel the 1 Month Notice’s to End Tenancy, plus several other grounds, and the Landlord filed one application for an order of possession based off the July 4, 2023, 1 Month Notice to End Tenancy for Cause.

Both parties attended the hearing and provided affirmed testimony. Both parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### *Tenant’s application*

The Tenant filed 3 different applications. For each application, the Tenant was provided a Notice of Dispute Resolution Proceeding that she was required to serve to the respondent/landlord. I note the following Rule of Procedure:

#### **3.1 Documents that must be served with the Notice of Dispute Resolution Proceeding Package**

*The applicant **must**, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch or*

*within a different period specified by the director, serve each respondent with copies of the following:*

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;*
- b) the Respondent Instructions for Dispute Resolution;*
- c) any fact sheets provided by the Residential Tenancy Branch; and*
- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].*

In this case, the Tenant filed 3 separate applications, and was given 3 different Notice of Dispute Resolution Proceeding packages, which she was required to serve to the respondent. The Tenant specifically stated that she didn't know she had to serve these packages to the Landlord, so she did not. I note the Tenant was give the following information from the RTB on July 17, 2023, the day she was given the Notice of Dispute Resolution Proceeding to serve to the Landlord:

### ***Prepare Your Notice of Dispute Resolution Proceeding Package***

*You must print and prepare separate Notice of Dispute Resolution Proceeding packages to [Landlord].*

*The Notice of Dispute Resolution Proceeding package must include:*

- 1. Notice of Dispute Resolution Proceeding (Dispute Notice)*
- 2. All evidence submitted with this application*
- 3. Respondent Instructions for Dispute Resolution*

### ***Serve Your Notice of Dispute Resolution Proceeding Package to the Respondent(s)***

*You must serve the Notice of Dispute Resolution Proceeding package by Jul 20, 2023 in one of the following ways:*

*Canada Post Registered Mail*

- 1. Print and prepare separate Notice of Dispute Resolution Proceeding packages to serve each respondent*

2. *Include 1 copy of the Notice of Dispute Resolution package in each envelope*
3. *Send each envelope by Canada Post Registered Mail. Package(s) must be post marked on or before Jul 20, 2023*

I note the Tenant only served her evidence, which the Landlord received. However, the Landlord was not made aware of the multiple different grounds she applied for in her multiple applications. I find this is prejudicial to the Landlord. Since the Tenant failed to serve any of her Notice of Dispute Resolution Proceeding packages to the Landlord, I hereby dismiss all of her applications, in full.

Under section 55 of the *Act*, when a Tenant's application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession. Having reviewed the Notice, dated July 4, 2023, I find it complies with the requirements of form and content. As such, the Landlord is entitled to an order of possession, which will be effective October 31, 2023, at 1pm and after service on the Tenant.

#### *Landlord's application*

Since the only issue on the Landlord's application was for an order of possession, based off the July 4, 2023, Notice, I find the application is already resolved, via the Tenant's applications, as noted above. The Landlord's application is dismissed, in full, without leave.

#### Conclusion

The Landlord is granted an order of possession effective **October 31, 2023**, at 1:00 p.m. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: October 26, 2023

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Residential Tenancy Branch