



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes NCL

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a two month notice to end tenancy for landlord's use of property.

Although served with the Application for Dispute Resolution and Notice of Hearing on May 18, 2012, by registered mail the landlord did not appear. I find the landlord has been duly served in accordance with the Act.

The tenant has applied to cancel a two month notice to end tenancy for landlord's use of property issued on April 29, 2012, the effective date in the Notice is July 1, 2012. In a case where a tenant has applied to cancel a notice for cause, Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence and submission first, as the landlord has the burden of proving the intent to terminate the tenancy for the reasons given on the notice.

Issue(s) to be Decided

Should the two month notice to end tenancy be cancelled?

Background and Evidence

The tenant was served with a two month notice to end tenancy. The tenant disputed the two month notice to end tenancy by filing their application for Dispute Resolution.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The landlord did not appear and the onus is on the landlord to prove the notice was issued for the reasons stated in the notice.

The notice to end tenancy issued on April 29, 2012, does not state the grounds for ending tenancy as required by section 52 of the Act. Therefore, I find the notice is not valid and has no effect.

Therefore, I grant the tenant's application to cancel the notice to end tenancy issued on April 29, 2012. Tenancy will continue until ended in accordance with the Act.

Conclusion

I grant the tenant's application and order that the notice to end tenancy dated April 29, 2012, be cancelled. Tenancy will continue until ended in accordance with the Act.

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: June 01, 2012.

Residential Tenancy Branch