



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act, (the “Act”), to cancel a 2 Month Notice to End Tenancy for Landlord’s Use of Property (the “Notice”).

Both parties appeared.

In a case where a tenant has applied to cancel a notice the Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlord has the burden of proving sufficient evidence to terminate the tenancy for the reasons given on the notice.

### Issue to be Decided

Should the Notice issued on July 29, 2015, be cancelled?

### Background and Evidence

At the outset of the hearing the landlord indicated that they will not be providing any evidence in support of the Notice.

The parties agreed that the tenancy would continue until legally ended in accordance with the Act.

### Analysis

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

Since the landlord was not proving evidence sufficient to terminate the tenancy for the reasons given on the Notice, I grant the tenant's application and the Notice issued on July 29, 2015, is hereby cancelled and has no force or effect.

Since the tenant was successful with their application, I find the tenant is entitled to recover the filing fee from the landlord. Therefore, I authorize the tenant to deduct \$50.00 from November 2015, rent in full satisfaction of this award.

### Conclusion

The tenant's application to cancel the Notice is granted. The tenancy will continue until legally ended in accordance with the Act.

The tenant is authorized a onetime rent reduction to recover the filing fee from the landlord.

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 28, 2015

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Residential Tenancy Branch

