



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Aqanttanam Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNQ

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a 2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit.

The tenant attended the hearing with 2 advocates, however no one for the landlord appeared. The line remained open while the phone system was monitored for 15 minutes and the only participants who joined the call were the tenant and the tenant's advocates.

The tenant testified that the tenant and the tenant's advocate attended at the office of the landlord and personally served an agent of the landlord with the Tenant's Application for Dispute Resolution and notice of this hearing on February 2, 2016. I accept that testimony, and I find that the landlord has been served in accordance with the *Residential Tenancy Act*.

The landlord has provided evidentiary material including a letter signed by the Executive Director of the landlord society stating that the landlord wishes to cancel the Notice to End Tenancy as the parties have reached an agreeable resolution.

Where a tenant disputes a notice to end a tenancy given by a landlord, the onus is on the landlord to establish that it was issued in accordance with the *Residential Tenancy Act*. In this case, having found that the landlord was aware of this hearing, and considering the letter which I am satisfied was provided by the landlord, I hereby cancel the notice and the tenancy continues.

Conclusion

For the reasons set out above, the 2 Month Notice to end Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit dated January 14, 2016 is hereby cancelled and the tenancy continues.

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: March 15, 2016

Residential Tenancy Branch

