



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REMI REALTY INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNC

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy. Both parties attended the hearing and had opportunity to be heard.

The landlord stated that he had faxed evidence to the Residential Tenancy Branch Office two days prior to this hearing. This evidence was not before me. The tenant denied having received the landlord's evidence.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on July 17, 2014. On March 10, 2016, the landlord served the tenant with a notice to end tenancy for cause. The tenant applied to dispute the notice in a timely manner. Neither party filed a copy of the notice to end tenancy.

Analysis

In order to support the notice to end tenancy, the landlord must prove at least one of the grounds alleged. In this case, a copy of the notice was not in front of me and accordingly I had no way of determining the validity of the notice.

In addition, the landlord failed to file evidence in a timely manner, to prove the grounds for ending the tenancy.

I therefore allow the tenant's application and set aside the landlord's notice to end tenancy, dated March 10, 2016. As a result, the tenancy shall continue in accordance with its original terms.

Conclusion

The notice to end tenancy is set aside and the tenancy will continue.

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: April 28, 2016

Residential Tenancy Branch