



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein the Tenant requested an Order cancelling a 1 Month Notice to End Tenancy for Cause issued on May 12, 2016 (the "Notice").

Only the Tenant called into the hearing. He gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions to me. The Tenant testified that he personally served the Landlord his application for dispute resolution and the Notice of Hearing on May 26, 2016. Accordingly, I find the Landlord was served and proceeded with the hearing in their absence.

Issue to be Decided

1. Should the Notice be cancelled?

Background and Evidence

The Tenant testified that he had written confirmation from the Landlord dated June 17, 2016 that the Landlord was revoking the Notice. During the hearing he read to me the contents of this letter which confirmed the Landlord intended to withdraw the Notice on various conditions.

Residential Tenancy Branch Rules of Procedure provide that when a Tenant applies to cancel a notice to end tenancy, the Landlord must present their case first as they must prove the reasons for issuing the Notice.

As the Landlord failed to attend the hearing and present evidence with respect to the reasons for issuing the Notice, I am unable to find that the Notice should be upheld.

Accordingly, I hereby cancel the Notice. The tenancy will continue until ended in accordance with the *Residential Tenancy 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 23, 2016

Residential Tenancy Branch