



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC

Introduction and Conclusion

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein he sought to cancel a Notice to End Tenancy for Cause issued on June 14, 2016 (the "Notice") as well as for more time pursuant to section 66(1) of the *Residential Tenancy Act* to dispute the Notice.

Only the Tenant appeared at the hearing. He gave affirmed evidence and was provided the opportunity to present his case orally and in written form. He testified that he personally served the Landlord with the Notice of Dispute Resolution Hearing as well as his Application for Dispute Resolution on June 20, 2016. He also testified that the Landlord was aware of the hearing, and indicated she would not call into the hearing because they had reached a comprehensive settlement whereby she withdrew the Notice and agreed that the tenancy would continue.

Although the parties apparently reached an agreement, and that agreement was reduced to writing, it was not before me.

The line was monitored for 10 minutes and the only person who called into the hearing was the Tenant.

The *Residential Tenancy Branch Rules of Procedure* provide that when a Tenant makes an Application to cancel and Notice the Landlord bears the burden of proving the Notice should be upheld. In this case, as the Landlord failed to call into the hearing and provide evidence in support of the Notice, I cancel the Notice.

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: July 27, 2016

Residential Tenancy Branch