



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes OPL

### Introduction and Conclusion

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein the Tenant sought an Order cancelling a 2 Month Notice to End Tenancy for Landlord's Use issued on January 19, 2017 (the "Notice").

The hearing was conducted by teleconference and was scheduled for 9:00 a.m. on March 9, 2017. Only the Tenant called into the hearing.

The Tenant stated that she and the Landlord have resolved matters and that she is attempting to purchase the rental home (which is a duplex) from the Landlord. She stated that she has resided in the rental unit for over 17 years, and has made significant alterations to the property to make it accessible.

The Tenant testified that she personally served the Landlord with Notice of the Dispute Resolution Hearing. The Tenant further stated that she called the Branch to cancel the hearing and was informed to call into the hearing to formally cancel her Application. She also stated that she spoke to the Landlord during the weekend prior to the hearing and the Landlord confirmed that the hearing should be cancelled as he did not intend to proceed with the Notice.

I accept the Tenant's submissions that she and the Landlord have resolved matters by agreement and that he does not intend to proceed with the Notice.

Nevertheless, when a Tenant applies to dispute a notice to end tenancy, the onus is on the Landlord to prove the reasons for issuing the notice on a balance of probabilities. As the Landlord failed to call into the hearing to present evidence in support of the Notice, I find that the Notice is cancelled and is of no force and effect. The tenancy shall 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: March 09, 2017

---

Residential Tenancy Branch