



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding BROWN BROS AGENCIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, O

Introduction and Conclusion

This hearing convened as a result of the Tenant's Application for Dispute Resolution wherein the Tenant requested an Order canceling a 1 Month Notice to End Tenancy for Cause issued on February 20, 2017 (the "Notice") and other unspecified relief.

The hearing was conducted by teleconference on April 4, 2017. Only the Tenant and her witness, T.M., called into the hearing. She gave affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions to me.

The Tenant testified that she personally served the Landlord's agent, K.N., with the Notice of Hearing and the Application on March 8, 2017 at 4:50 p.m. She confirmed that her niece, J.L. accompanied her to K.N.'s office at that time. The Tenant stated that when she served K.N., K.N. stated that it was the Landlord's intention to withdraw the Notice and that they were going to send the Tenant a letter confirming this. The Tenant did not receive this letter and therefore called into the hearing.

Based on the Tenant's undisputed testimony, I find the Landlord was duly served as of March 8, 2017 and I proceeded with the hearing in their absence.

Residential Tenancy Branch Rules of Procedure 6.6 provides that when a tenant applies to cancel a notice to end tenancy, the Landlord bears the burden of proving the reason they wish to end a tenancy.

As the Landlord failed to call into the hearing to provide evidence in support of the Notice, I grant the Tenant's request to cancel the Notice. 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: April 04, 2017

Residential Tenancy Branch