



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes** CNL OLC

This matter was convened for hearing by telephone conference call at 9:30 a.m. in response to the tenant's application to cancel a Notice to End tenancy dated May 11, 2017. The line remained open while the phone system was monitored for the duration of the hearing of 20 minutes and the only participant who called into the hearing during this time was the tenant.

The tenant stated that the landlord was personally served with the application and notice of hearing on May 29, 2017. I accepted the tenant's evidence regarding service.

### **Analysis and Conclusion**

When a tenant applies to cancel a notice to end tenancy, the landlord has the burden of proof to establish the validity of the notice. As the landlord did not attend the hearing by 9:50 a.m., and the tenant appeared and was ready to proceed, I cancel the Notice to end tenancy dated May 11, 2017. The Notice is null and of no effect.

The tenancy continues in accordance with the tenancy agreement until such time as it ends under the Act.

**This Decision is final and binding.**

*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 12, 2017

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Residential Tenancy Branch