



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MNDC OLC FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on December 15, 2017, at 9:30 am. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the *Act*).

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant provided affirmed testimony at the hearing. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

The Tenant testified that he served the Landlord with his application package and evidence on October 5, 2017, by registered mail. Pursuant to section 88 and 90 of the *Act*, I find the Landlord received this package on October 10, 2017, the fifth day after its registered mailing.

The Tenant stated that at this point, he only wants to cancel the Notice and wants to withdraw the remaining grounds he applied on. In consideration of this, I have amended the Tenant's application accordingly. The only ground I will be considering in this hearing is the following:

- cancellation of the landlord's 1 Month Notice pursuant to section 47 (the Notice).

Issue to be Decided

Should the Notice be cancelled?

Background, Evidence, and Analysis

The Tenant testified that he is now on a month to month tenancy, and although he is thinking about moving at some point, he wants to have this Notice cancelled to allow him time to find a new place to live.

The Tenant provided a copy of the Notice, which he received on September 25, 2017, for unreasonably disturbing another occupant or the Landlord. The Tenant disputed this Notice on October 2, 2017.

In the matter before me, the Landlord has the onus of proof to prove that the Notice is valid. I find that the Landlord was properly served with the Notice of Hearing and failed to attend the hearing to prove the allegation within the Notice.

Therefore, as the Landlord did not attend the hearing by 9:40 AM, I cancel the Notice, dated September 25, 2017.

I Order the tenancy to continue until ended in accordance with the Act.

Conclusion

The Tenants' application is successful. The Notice issued by the Landlord dated September 25, 2017, is cancelled.

The tenancy will continue until ended in accordance with the 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: December 15, 2017

Residential Tenancy Branch