



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC OPC

### **Introduction:**

The landlord had requested an in-person hearing to accommodate a hearing impairment and was granted one. However, he did not attend the in-person hearing. The tenant attended the hearing by conference call and gave sworn testimony. I find that the Notice to End a Residential Tenancy dated December 6, 2017 to be effective January 31, 2018 was served December 6, 2017 in person. The landlord received service of the application for dispute resolution as he contacted the office to arrange the in-person hearing. I find the documents were sufficiently served pursuant to section 71 for the purpose of this hearing.

The tenant applies for Orders as follows:

- a) To cancel a Notice to End the Tenancy for cause pursuant to section 47 of the *Residential Tenancy Act* (the Act);
- b) To dispute a rent increase pursuant to section 43; and
- c) To recover the filing fee.

**Issues:** Is the tenant entitled to any relief?

### **Background and Evidence:**

Only the tenant attended the hearing and was given opportunity to be heard, to provide evidence and to make submissions. The landlord served the Notice to End Tenancy pursuant to section 47 for the following reasons:

- a) The tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord;

The tenant said that the other tenant and the landlord met together last night and resolved their dispute. He said the landlord said the tenancy would continue.

**Analysis:**

I find the tenant's evidence credible that the dispute has been settled and the tenancy is continuing. The fact that the landlord did not attend the hearing after making the appointment for an in-person hearing supports the tenant's credibility. Therefore, I set aside the Notice to End Tenancy dated December 6, 2017 to be effective January 31, 2018. The tenancy is continued.

**Conclusion:**

The Notice to End Tenancy dated December 6, 2017 to be effective January 31, 2018 is hereby set aside and cancelled. The tenancy is continued.

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: February 01, 2018

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Residential Tenancy Branch