



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNL AAT

This matter was convened in response to an application by the tenant set for hearing by telephone conference call at 9:30 a.m. on this date. The tenant applied to cancel a notice to end tenancy for landlord's use as they are questioning the landlord's good faith intention to end the tenancy for the purpose stated on the Notice.

The line remained open while the phone system was monitored for 15 minutes and the only participant who called into the hearing during this time was the tenant.

The tenant stated that the landlord was served with the application and notice of hearing on April 28, 2018. The tenant claims they served the landlord's daughter, aged 30, whom resides with the landlord as the landlord was vacationing. Upon returning from vacation the landlord purportedly confirmed to the tenant they had received the Notice of Hearing and application and consequently filed 21 pages of evidence to this proceeding. The tenant also stated that they and the landlord have confirmed to one another the date and time and hearing access particulars for this hearing. Pursuant to Section 71(2)(c) I accepted the tenant's evidence regarding service in this matter.

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 9:45 a.m., and the tenant appeared and was ready to proceed, I **cancel** the Notices to End Tenancy dated April 17 and May 01, 2018.

The tenancy continues until such time as it ends under 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: June 18, 2018

Residential Tenancy Branch