



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC PSF

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause and for an order that the landlord provide services or facilities required by the tenancy agreement or the law.

The tenant attended the hearing, however the line remained open while the telephone system was monitored for in excess of 15 minutes and no one for the landlord joined the call.

The tenant advised that the landlord was served with the Tenant's Application for Dispute Resolution and notice of this hearing (the Hearing Package) by registered mail. The tenant was permitted to provide proof of such service after the hearing had concluded. I have not received any further documentation from the tenant.

The tenant also advised that the parties have settled this dispute by agreeing to cancel the notice to end the tenancy for cause.

Where a tenant disputes a notice to end a tenancy given by a landlord, the onus is on the landlord to establish that it was given in accordance with the *Residential Tenancy Act*. The *Act* also states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord. Since the landlord has not attended the hearing, and the tenant has failed to provide proof that the landlord was served with the Hearing Package, I dismiss the tenant's application, and I decline to issue an Order of Possession in favour of the landlord.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed.

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: November 27, 2018

Residential Tenancy Branch