



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M LRE OLC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on July 30, 2019. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

The Tenant attended the hearing, but the Landlord did not. The Tenant stated that she served the Notice of Hearing and evidence to the Landlord, in person, on June 20, 2019. The Tenant stated she served him with the full Notice of Hearing package. I find the Landlord was served with this package on June 20, 2019, the same day it was personally given to him. The Landlord submitted evidence but the Tenant stated she never was served with it. Since the Landlord was not present to support how he served this evidence, and to present it for this hearing, it will not be considered.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence submitted in accordance with the rules of procedure and evidence that is relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

The Tenant applied for multiple remedies under the *Act*, a number of which were not sufficiently related to one another.

Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After looking at the list of issues before me at the start of the hearing, I determined that the most pressing and related issues deal with whether or not the tenancy is ending. As a result, I exercised my discretion to dismiss all of the grounds the Tenant applied for, with leave to reapply, with the exception of the following claims:

- Cancel the Landlord's 4-Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion (the Notice).

Issue to be Decided

- Should the Notice be cancelled?

Background, Evidence, and Analysis

The Tenant stated that she received the Notice on May 27, 2019, and the Notice indicated he was seeking to end the tenancy so that he could demolish the rental unit.

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. The hearing started at 11:00 am and lasted 13 minutes, with only the Tenant present.

Therefore, as the Landlord did not attend the hearing by 11:13 AM on July 30, 2019, I cancel the Notice, issued May 27, 2019.

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

Conclusion

The Tenant's application is successful. The Notice issued by the Landlord May 27, 2019, 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: July 31, 2019

Residential Tenancy Branch