



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding M'AKOLA HOUSING SOCIETY and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNQ

Introduction

This matter dealt with an application by the Tenant to Cancel a 2 Month Notice to End Tenancy.

At the start of the hearing the Arbitrator questioned the Landlord and Tenant why there was no Notice to End Tenancy included in the evidence packages. The Landlord said to was an oversight that the Landlord did not submit any evidence for the hearing. The Tenant's Advocate said the Tenant never received the 2 Month Notice to End Tenancy; therefore the Tenant was unable to submit a copy of the Notice to End Tenancy into the hearing evidence.

Consequently, as there is no Notice to End Tenancy in the evidence package it is not possible to determine if the Notice is valid or not. I find there is a lack of evidence to proceed with the hearing therefore; I dismiss the Tenant's application with leave to reapply. Further I find the Landlord has not established grounds to end the tenancy; therefore; I order the tenancy to continue as agreed in the tenancy agreement.

The Landlord is at leave to issue a **new** Notice to End Tenancy if it is justified.

Conclusion

The Tenant's application to cancel the 2 Month Notice to End Tenancy is dismissed with leave to reapply.

The Landlord has not established ground to end the tenancy; therefore no Order of Possession is granted and the tenancy is order to continue as stated in the tenancy agreement.

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 05, 2019

Residential Tenancy Branch