



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MNDC OLC

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. A hearing by telephone conference was held on September 1, 2020. The Tenants applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

The Tenants attended the teleconference hearing; however, the Landlord did not. The Tenants testified that they sent the Landlord their application package on July 29, 2020, by registered mail. The Tenants provided proof of mailing. Pursuant to section 89 and 90 of the Act, I find the Landlord is deemed to have received this package on August 3, 2020, the fifth day after its registered mailing.

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 Tenants 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 unrelated matters, with leave to reapply, on the Tenant's application with the exception of the following claim:

- to cancel the 1 Month Notice to End Tenancy for Cause.

Issue(s) to be Decided

- Is the Tenant entitled to have the Landlord's 1 Month Notice (the Notice) cancelled?
 - If not, is the Landlord entitled to an Order of Possession?

Background, Evidence, and Analysis

The Tenants stated that they received the Notice on July 27, 2020. A copy of this Notice was provided into evidence. The Landlord selected the ground:

- Rental unit/site must be vacated to comply with a government order.

In the matter before me, the Landlord who issued the Notice 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/grounds listed on the Notice. The hearing started promptly at 9:30 am on September 1, 2020, and the Landlord was given 10 minutes to show up. However, he did not do so.

Therefore, as the Landlord did not attend the hearing by 9:40 AM on September 1, 2020, I cancel the Notice, dated July 27, 2020.

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

Conclusion

The Tenants' application is successful. The Notice issued by the Landlord dated July 27, 2020, 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: September 01, 2020

Residential Tenancy Branch