



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC
 CNE

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning applications made by the landlords and by the tenants.

The landlords have applied for an Order of Possession for cause and the tenants have applied for an order cancelling a One Month Notice to End Tenancy For Cause or End of Employment (the Notice).

Both tenants attended the hearing with an Advocate who observed only and did not take part in the hearing.

However, the line remained open while the telephone system was monitored for 15 minutes and no one for the landlord joined the call.

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*. Since the landlord has not attended the hearing, having made an application for an Order of Possession based on a One Month Notice to End Tenancy For Cause or End of Employment, I dismiss the landlord's application without leave to reapply. Therefore, I also cancel the Notice and the tenancy continues.

Conclusion

For the reasons set out above, the landlord's application is hereby dismissed without leave to reapply.

I hereby cancel the One Month Notice to End Tenancy For Cause or End of Employment dated July 23, 2020 and the tenancy continues.

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 28, 2020

Residential Tenancy Branch