



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL

### Introduction

On August 17, 2020, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) to cancel a Two Month Notice to End Tenancy for Landlord’s Use of Property dated August 16, 2020 (“the Two Month Notice”).

The matter was scheduled as a teleconference hearing. The Tenants attended the hearing; however, the Landlord did not. The line remained open while the phone system was monitored for twenty minutes and the Landlord did not call into the hearing during this time.

The Tenants provided affirmed testimony that on August 20, 2020 they served the Landlord with the Notice of Dispute Resolution Proceeding documents using a courier. The Tenants testified that the Notice was delivered to the Landlord on August 24, 2020 at 12:13 pm. I find that the Landlord was sufficiently served with the notice of the hearing for the purposes of this Act. The Landlord failed to attend the hearing.

The hearing proceeded and the Tenants provided affirmed testimony and were provided the opportunity to present their evidence, orally and in written and documentary form, and make submissions to me.

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

### Issue to be Decided

- Is the tenancy ending based on a Two Month Notice to End Tenancy for Landlords Use of Property?

### Background

The Tenants testified that they received a Two Month Notice to End Tenancy for Landlord's use of property from the Landlord. The Tenants testified that the Two-Month Notice is dated and signed by the Landlord Ms. B.M.V. The Tenants testified that they only received two pages of the three-page Notice.

The Two Month Notice provides information for Tenants who receive the Notice. The Notice provides that a Tenant has the right to dispute the Notice within 15 days after it is assumed to be received by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Tenants disputed the Two Month Notice by applying for Dispute Resolution within the required timeframe.

The Tenants have not accepted the Two Month Notice and are seeking to have it cancelled.

The Landlord failed to attend the hearing. The burden to support the reason to end the tenancy rests with the Landlord.

### Analysis

Based on the above, the testimony and evidence of Tenants, and on a balance of probabilities, I find as follows:

I find that the Landlord was served with notice to attend the hearing.

The Landlord failed to attend the hearing to confirm that she issued the Two Month Notice and to provide testimony on why the tenancy needs to end. A Landlord who issues a notice to end tenancy bears the burden of proof that there is sufficient reason to end a tenancy.

Since the Landlord has failed to attend the hearing to provide testimony and pursue enforcement of the Two Month Notice, the Notice is cancelled.

The Tenants' application to cancel the Two Month Notice is successful. The tenancy will continue until ended in accordance with the Act.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Landlord to repay the \$100.00 fee that the Tenants paid to make application for dispute resolution. The Tenants are granted a monetary order against the Landlord in the amount of \$100.00.

### Conclusion

The Landlord failed to attend the hearing to provide testimony and pursue enforcement of the Two Month Notice. The Two Month Notice is cancelled.

The tenancy continues 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: October 02, 2020

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Residential Tenancy Branch