



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, PSF, LRE, RR, MNDC, OLC

Introduction

On October 15, 2020, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) to cancel a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit. The Tenant also applied for the following relief:

- *for the Landlord to provide services or facilities required by law*
- *for a rent reduction*
- *for money owed or compensation for damage or loss under the Act.*
- *to restrict the Landlords right of entry into the unit.*
- *for an order for the Landlord to comply with the Act, Regulation, or tenancy agreement.*

This matter was set for hearing by telephone conference call at 11:00 am on this date. The Landlord attended the hearing; however, the Tenant / applicant did not. The line remained open while the phone system was monitored for ten minutes and the Tenant/ applicant did not call into the hearing during this time. Therefore, as the applicant did not attend the hearing by 11:10 am, I dismiss the application without leave to reapply.

Issue to be Decided

Is the Landlord entitled to end the tenancy based on the issuance of a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit (“the Four Month Notice”)?

Background and Evidence

The Landlord testified that he purchased the rental property about four years ago and inherited the Tenant and the tenancy agreement.

The Landlord testified that he received a notice from the city ordering him to decommission the secondary rental unit at the residential property.

The Landlord testified that he issued the Tenant a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit. The Landlord did not provide a copy of the Four Month Notice and did not have a copy before him. The Landlord testified that the Four Month Notice was served to the Tenant sometime in September 2020.

A Four Month Notice to End Tenancy provides information for Tenants who receive the Notice. The Notice provides that a Tenant has the right to dispute the Notice within 30 days of receiving it received by filing an Application for Dispute Resolution at the Residential Tenancy Branch online or in person.

The Tenant disputed a Four Month Notice on October 15, 2020. The Tenant did not provide a copy of the Four Month Notice.

The Landlord testified that he would like to withdraw/ rescind the Four Month Notice. The Landlord testified that he has worked out the issue with the city and with the Tenant to allow the tenancy to continue.

Analysis

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

The Tenant failed to attend the hearing to pursue the dispute of a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit. The Tenant's application is dismissed in its entirety.

Since the Landlord has withdrawn the Four Month Notice, the tenancy will continue until ended in accordance with the Act.

Conclusion

The Tenant failed to attend the hearing and the Tenant's application to cancel a Four Month Notice is dismissed.

Since the Landlord has withdrawn the Four Month Notice, 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: December 29, 2020

Residential Tenancy Branch