



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Siesta Rooms
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

TT: CNC-MT
LL: OPC

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the Residential Tenancy Act (the “Act”).

The Tenant’s Application for Dispute Resolution was made on June 15, 2021 (the “Tenant’s Application”). The Tenant applied for the following relief, pursuant to the Act:

- An order cancelling a One Month Notice for Cause dated May 20, 2021 (the “One Month Notice”);
- more time to extend the time limit established by the Act, to make an Application for dispute resolution to obtain an order cancelling the One Month Notice;

The Landlord’s Application for Dispute Resolution was made on July 9, 2021 (the “Landlord’s Application”). The Landlord applied for the following relief, pursuant to the Act:

- an order possession for cause.

The hearing was scheduled for 1:30pm on October 4, 2021 as a teleconference hearing. K.B. appeared on behalf of the Tenant. No one appeared for the Landlord. The conference call line remained open and was monitored for 10 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that K.B. and I were the only persons who had called into this teleconference.

According to Section 47(1) of the *Act*, a landlord may end a tenancy by giving notice to end the tenancy for cause. In the matter before me, the Landlord has the onus of proof to prove that the One Month Notice is valid. I find that the Landlord did not attend the hearing in support of their Application for an Order of Possession in relation to the One Month Notice. As such, I dismiss the Landlord's Application without leave to reapply.

In light of the above, I cancel the One Month Notice, dated May 20, 2021. I order the tenancy to continue until ended in accordance with the *Act*.

Conclusion

No one attended the hearing for the Landlord in support of the One Month Notice dated May 20, 2021. As such, the One Month Notice is cancelled and 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: October 04, 2021

Residential Tenancy Branch