



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT INC. HOTEL  
CANADA and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on January 9, 2023. The Tenant applied for the following remedy, pursuant to the *Residential Tenancy Act* (the *Act*):

- cancellation of the Landlord's 1 Month Notice pursuant to section 47 (the Notice).

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant testified that he served the Landlord with his application package on October 21, 2022, by registered mail. Pursuant to section 88 and 90 of the Act, I find the Landlord is deemed to have received this package on October 26, 2022, 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 relevant to the issues and findings in this matter are described in this Decision.

### Issue to be Decided

- Should the Notice be cancelled?

### Background, Evidence, and Analysis

The Tenant stated that he received the Notice on or around September 29, 2022. A copy of the Notice was provided into evidence.

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 Dispute Resolution Proceeding and failed to attend the hearing to prove the allegation within the Notice.

Therefore, as the Landlord did not attend the hearing by 9:40 AM on January 9, 2023, I cancel the Notice, dated September 29, 2022.

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

### Conclusion

The Tenant's application is successful. The Notice issued by the Landlord dated September 29, 2022, 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: January 10, 2023

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Residential Tenancy Branch