



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC

This hearing was convened as a result of the Tenants' Application for Dispute Resolution made on September 21, 2022. The Tenants applied for the following relief, pursuant to the Residential Tenancy Act (the Act):

- an order cancelling a One Month Notice to End Tenancy for Cause dated September 14, 2022 (the One Month Notice); and
- and order that the Landlord comply with the Act, Residential Tenancy Regulation, and/or the tenancy agreement.

The Tenants attended the hearing and DB provided affirmed testimony. The Landlord did not attend the hearing.

DB testified that the Notice of Dispute Resolution Proceeding package was served on the Landlord by in person with a witness present a few days after receipt of these documents from the Residential Tenancy Branch in September 2022. In the absence of evidence to the contrary, and pursuant to section 71 of the Act, I find the above documents were sufficiently served for the purposes of the Act.

The Landlord bears the burden of providing sufficient evidence in support of the grounds for ending the tenancy as indicated in the One Month Notice. As the Landlord did not attend the hearing, which continued for 10 minutes, I find there is insufficient evidence in support of the One Month Notice. Therefore, I find the One Month Notice is cancelled and of no force or effect. The tenancy will continue until otherwise ended in accordance with the Act.

I also note that DB testified that recently spoke with the Landlord and that the parties have resolved the matters raised the Tenants' application.

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: February 8, 2023

Residential Tenancy Branch