



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR, MNRL-S, FFL

Under section 58 of the Residential Tenancy Act (the “Act”), this hearing dealt with the landlord’s April 4, 2023 application to the Residential Tenancy Branch for:

- (i) an order of possession on an undisputed notice to end tenancy (the “Notice”) under section 55(2)(b) of the Act;
- (ii) a monetary order for unpaid rent under section 67 of the Act; and
- (iii) authorization to recover the cost of the filing fee under section 72 of the Act.

The tenant attended the hearing. No one dialled in on behalf of the landlord during the hearing, which lasted from 1:30 P.M. to 1:38 P.M.

As the onus is on the landlord to prove the validity of the Notice and the landlord has not attended the hearing to substantiate the Notice, I am cancelling the Notice. As a result, the landlord’s application is dismissed without leave to reapply.

Conclusion

The application is dismissed without leave to reapply. The tenancy shall continue until it is 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: May 24, 2023

Residential Tenancy Branch