



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing

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## **DECISION**

Dispute Code: CNL

### **Introduction**

The Tenants seek to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Notice") pursuant to section 49 of the *Residential Tenancy Act* (the "Act").

### **Preliminary Issue: Non-Attendance of Respondent Landlord**

The Tenants testified that they served a copy of the Notice of Dispute Resolution Proceeding and additional evidence on the Landlord by way of Canada Post registered mail on or about February 8, 2023.

The onus to prove the reason for issuing a notice to end a tenancy falls upon the landlord who issues the notice. Because the Landlord in this dispute failed to attend the hearing, they have not proven the reason for issuing the Notice. And the purchaser, one Mr. Ramirez, also did not attend the hearing to shed any light on this matter.

For this reason, I grant the Tenants' application and order that the Notice, signed by the Landlord's representative on January 16, 2023, is cancelled. The Notice is of no legal force or effect and the tenancy will continue until it is ended in accordance with the Act.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: June 2, 2023

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Residential Tenancy Branch