



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CASTLEGAR VILLLA SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was scheduled to convene at 9:30 a.m. on June 20, 2023 by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause.

The tenant attended the hearing with an Advocate. However, the line remained open while the telephone system was monitored for 10 minutes and no one for the landlord joined the call. The tenant's Advocate indicated that the parties had settled this dispute, and that the landlord is content with cancelling the One Month Notice to End Tenancy for Cause. The Advocate was given the opportunity to contact the landlord during the hearing, and advised that the landlord had sent a letter to the Residential Tenancy Branch cancelling the Notice, however I have no such letter before me.

Where a tenant disputes a notice to end a tenancy given by a landlord, the onus is on the landlord to establish that it was given in accordance with the *Residential Tenancy Act*. Since no one for the landlord attended the hearing or provided any evidentiary material, I find that the landlord has failed to establish that the Notice was given in accordance with the *Act*, and I cancel it.

Conclusion

For the reasons set out above, the One Month Notice to End Tenancy for Cause dated February 16, 2023 is hereby cancelled and the tenancy continues until it has ended in accordance with the law.

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: June 20, 2023

Residential Tenancy Branch