



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding EXIN ENTERPRISES LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was scheduled to convene at 11:00 a.m. on September 7, 2023 concerning an application made by the tenants seeking an order cancelling a notice to end the tenancy for unpaid rent or utilities.

One of the tenants attended the hearing and represented the other named tenant. An agent for the landlord also attended.

At the commencement of the hearing, the landlord advised that none of the landlord's evidentiary material has been provided to the tenants. Any evidence that a party wishes to rely on must be provided to the other party, even if they already have a copy; it is important for all parties to know what is before me. Since the landlord has not provided any of the evidence to the tenants I decline to consider it.

The tenants have not provided any evidentiary material.

The *Residential Tenancy Act* states that 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 *Act*. Since the landlord has not provided a copy that I can legally consider, I cannot be satisfied that any notice given was in the approved form. Therefore, I cancel any and all notices to end the tenancy for unpaid rent or utilities and the tenancy continues until it has ended in accordance with the law.

Conclusion

For the reasons set out above, any and all notices to end the tenancy for unpaid rent or utilities are 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: September 07, 2023

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Residential Tenancy Branch