



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding NIXEN & NIKO HOLDING  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, CNC

### Introduction

This hearing was scheduled to convene at 9:30 a.m. on April 5, 2024 concerning an application made by the tenant seeking orders cancelling a notice to end the tenancy for unpaid rent or utilities and a notice to end the tenancy for cause.

The tenant and a person who identified himself as the landlord attended the hearing, and the tenant was accompanied by a Pier Counsellor to assist.

The parties were given ample time to discuss settlement of this dispute.

Neither party gave affirmed testimony, however the tenant has provided evidentiary material. The tenant advised that he has not provided the landlord with any of the evidence. Any evidence that a party wishes to rely on must be provided to the other party, even if they already have a copy because it is important for all parties to know what is before me.

Although the landlord indicated that he uploaded evidence to the Residential Tenancy Branch portal on February 1, 2024, none has been uploaded and the tenant's application wasn't made until February 28, 2024. Therefore, I have no evidence from the landlord, and where it may have been uploaded to is unknown. The landlord also indicated that the evidence he uploaded contained 1 page only of the 3-page 10 Day Notice to End Tenancy For Unpaid Rent or Utilities.

The *Residential Tenancy Act* places the onus on the landlord to establish that the notices to end the tenancy were given in accordance with the *Act*, and in the approved form. Since the landlord has not provided evidence sufficient to satisfy me that either of the notices were given in the approved form or in accordance with the *Act*, I cancel both notices and the tenancy continues until it has ended in accordance with the law.

Conclusion

For the reasons set out above, the 10 Day Notice to End Tenancy For Unpaid Rent or Utilities, and the One Month Notice to End Tenancy For Cause 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: April 05, 2024

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Residential Tenancy Branch