



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

A matter regarding BC MUSLIM ASSOCIATION VANCOUVER
BRANCH and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL-4M

Introduction

This hearing was scheduled to convene at 1:00 p.m. on October 3, 2024 concerning an application made by the tenant seeking an order cancelling a Four Months' Notice to End Tenancy For Demolition or Conversion of the Rental Unit to Another Use.

The tenant attended the hearing, and gave oral submissions, including that the landlord was served with the Notice of Dispute Resolution Proceeding in person on August 17, 2024. The line remained open while the telephone system was monitored for 10 minutes prior to hearing any other oral submissions of the tenant, and no one for the landlord joined the call.

The tenant did not give affirmed testimony, however in the tenant's oral submissions, the tenant indicated that the landlord agreed prior to the hearing that the tenant could remain in the rental unit, giving the tenant more time to find suitable accommodation.

Analysis

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*.

I accept the tenant's submission that the landlord was served with the Notice of Dispute Resolution Proceeding in person on August 17, 2024.

Since the landlord has not attended the hearing to establish that the notice to end the tenancy was given in the approved form or that the landlord has complied with the *Act*, I cancel the Notice, and the tenancy continues until it has ended in accordance with the law.

Conclusion

For the reasons set out above, the Four Months' Notice to End Tenancy For Demolition or Conversion of the Rental Unit to Another Use 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: October 03, 2024

Residential Tenancy Branch