



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## FINAL DECISION

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's application to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property. The hearing was originally scheduled for July 22, 2010. That hearing was adjourned and Notices of Hearing along with an interim decision were sent to both parties by the Residential Tenancy Branch. The interim decision issued July 22, 2010 should be read in conjunction with this final decision. The hearing resumed September 22, 2010.

The landlord did not appear at the teleconference calls held on July 22, 2010 or September 14, 2010; however, I did receive correspondence from the landlord dated August 9, 2010. In the landlord's correspondence, the landlord acknowledges receiving documents from myself, which I find refers to my interim decision and the accompanying Notice of Hearing for the reconvened hearing.

The landlord also acknowledged that he knew of the hearing to be held on July 22, 2010 and explained that he did not attend the hearing because he had withdrawn the Notice to End Tenancy issued May 17, 2010. The landlord further submitted that he did not receive a "second notice" from the tenant with respect to the second Notice to End Tenancy issued by the landlord June 12, 2010.

It appears the landlord has misunderstood my findings as provided in the interim decision of July 22, 2010. For clarity, I offer additional explanation of my decision to amend the tenant's Application for Dispute Resolution. As stated in the July 22, 2010 interim decision I found that the tenant had notified the landlord about the hearing of

July 22, 2010 with respect to the Notice issued by the landlord May 17, 2010. I also found that the landlord issued a second Notice to End Tenancy in response to being served with the Tenant's Application for Dispute Resolution. A landlord cannot unilaterally withdraw a Notice to End Tenancy. The hearing of July 22, 2010 had not been cancelled and the landlord had the opportunity to appear at the July 22, 2010 hearing and be heard but chose not to attend. Therefore, I had amended the tenant's application to include the Notice issued by the landlord June 12, 2010.

Upon hearing from the tenant on July 22, 2010 and September 14, 2010 and upon receiving correspondence from the landlord dated August 9, 2010 I am satisfied that the landlord had been notified of the hearing dates of July 22, 2010 and September 14, 2010 and chose not to attend.

In the absence of evidence from the landlord to substantiate the reason for ending the tenancy I cancel the Notice to End Tenancy issued June 12, 2010 with the effect that this tenancy continues.

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 14, 2010.

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Dispute Resolution Officer