



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding UPPER COLLEGE HEIGHTS  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes          CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the "Act"), to cancel 1 Month Notice to End Tenancy for Cause, (the "Notice") issued on September 29, 2015.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

In a case where a tenant has applied to cancel a Notice, Rule 11.1 of the Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlords have the burden of proving cause sufficient to terminate the tenancy for the reasons given on the Notice.

### Procedural matter

At the outset of the hearing the landlords requested that the Notice be withdrawn. Therefore, I allow the Notice to be withdrawn and the Notice issued on September 29, 2015, has no force or effect. Therefore, I grant the tenant's request and cancel the Notice.

As the merits of the Notice were not considered at today's hearing, I find any evidence that predates my decision is not barred from any future hearing.

### Conclusion

The tenant's application to cancel the Notice is granted.

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: December 11, 2015

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Residential Tenancy Branch

