



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROS PROP MAN.,
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants filed under the Residential Tenancy Act (the "Act"), to cancel Two Month Notice to End Tenancy for Landlords Use of Property, (the "Notice") issued on November 29, 2017.

The tenant's agent attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant's agent testified the Application for Dispute Resolution and Notice of Hearing in person on December 6, 2017, at their place of business.

I find that the landlords have been duly served in accordance with the Act.

Issues to be Decided

Should the Notice issued on November 29, 2017, be cancelled?

Background and Evidence

The Notice was served on the tenants indicating that the tenants are required to vacate the rental unit on January 31, 2018.

The reason stated in the Notice was:

- The landlord has all necessary permits and approvals required by law to demolish the rental unit, or renovate or repair the rental unit in a matter that requires the rental unit to be vacant.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

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 landlord has the burden of proving sufficient evidence to terminate the tenancy for the reasons given on the Notice.

This matter was set for hearing by telephone conference call at 9:30 A.M. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the tenants' agent.

Since the landlord did not attend the hearing by 9:40 A.M. to present any evidence or submission in support of the Notice, and the burden is on the landlord to prove the Notice was issued for the reasons stated. I find that the landlord has failed to show reasons to end the tenancy.

Therefore, I grant the tenants' application to cancel the Notice issued on November 29, 2017, and the Notice has no force or effect. The tenancy will continue until legally ended in accordance with the Act.

Conclusion

The tenants' application to cancel the Notice is granted. The tenancy will continue until legally ended in accordance with the Act.

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*.

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Dated: February 20, 2018

Residential Tenancy Branch