



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PACIFICA HOUSING ADVISORY ASSOCIATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes

CNC

### Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the *Act*) to cancel a One Month Notice to End Tenancy for Cause (the "One Month Notice").

Two agents for the Landlord (the "Landlord") were present for the teleconference hearing, while no one called in for the Tenant during the approximately 10 minute hearing. The agents were affirmed to be truthful in their testimony.

The Landlord confirmed receipt of the Notice of Dispute Resolution Proceeding documents, along with copies of the Tenant's evidence. The Landlord submitted one letter into evidence and confirmed that the letter had been sent to the Tenant.

### Issues to be Decided

Should the One Month Notice to End Tenancy for Cause be set aside?

### Background and Evidence

The Landlord submitted in evidence a letter addressed to the Tenant dated June 4, 2018. The letter advises the Tenant that the One Month Notice will be cancelled due to the Tenant's change in behaviour since the issuance of the notice. The letter outlines the concerns that led to the issuance of the One Month Notice as well as the expectations of behaviour from the Tenant for the tenancy to continue. The letter advises that should the behaviour expectations outlined in the letter not be followed, another One Month Notice may be issued.

The Landlord testified that they sent the letter to the Tenant by registered mail, as well as provided a copy to the Tenant's advocate.

### Analysis

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states that if a party does not attend the hearing, the application may be dismissed or the hearing may continue in the absence of the party.

As the Landlord submitted evidence relating to the cancellation of the One Month Notice in dispute, further testimony regarding the One Month Notice was accepted from the Landlord, despite the absence of the applicant.

Based on the testimony and evidence of the Landlord, I find that the One Month Notice dated April 26, 2018 was withdrawn on June 4, 2018. I accept the testimony and evidence of the Landlord and find that the One Month Notice dated April 26, 2018 is cancelled and of no force or effect. The tenancy continues until ended in accordance with the *Act*.

As the One Month Notice was withdrawn by the Landlord on June 4, 2018, I find that the Tenant's application for dispute resolution regarding the One Month Notice is dismissed with leave to reapply.

### Conclusion

The One Month Notice dated April 26, 2018 has been cancelled by the Landlord and is of no force or effect. The tenancy continues until ended in accordance with the *Act*.

The Tenant's application to cancel the One Month Notice is dismissed with leave to reapply.

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: June 20, 2018

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Residential Tenancy Branch