



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on April 17, 2023, at 11:00 am. The Tenant applied for the following remedy, pursuant to the *Residential Tenancy Act* (the *Act*):

- cancellation of the Landlord's 1 Month Notice pursuant to section 47 (the Notice).

The Tenant attended the teleconference hearing and provided affirmed testimony; however, the Landlord did not. The Tenant testified that he personally served the Landlord with his application package and evidence on March 22, 2023. I am satisfied the Landlord has been sufficiently served with the application package and the Notice of Hearing on March 22, 2023.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Should the Notice be cancelled?

Background, Evidence, and Analysis

The Tenant stated that he received the Notice on March 1, 2023. The Tenant stated that the Notice indicated that the Landlord issued the Notice because the “rental unit must be vacated to comply with a Government order”.

In the matter before me, the Landlord has the onus of proof to prove that the Notice is valid. I find that the Landlord was properly served with the Notice of Hearing and failed to attend the hearing to prove the allegation within the Notice.

Therefore, as the Landlord did not attend the hearing by 11:10 am on April 17, 2023, I cancel the Notice, dated March 1, 2023.

I Order the tenancy to continue until ended in accordance with the Act.

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. As the Tenant was successful in his application, I order the Landlord to repay the \$100.00 fee that the Tenant paid to make application for dispute resolution. The Tenant may deduct the amount of \$100.00 from one future rent payment.

Conclusion

The Tenant’s application is successful. The Notice issued by the Landlord dated March 1, 2023, is cancelled.

The tenancy will continue until 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*.

Dated: April 21, 2023

Residential Tenancy Branch