



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: CNC

Introduction

This hearing was convened upon the application of the tenant seeking a variety of orders however at the hearing of this matter the tenant advised that she wished to withdraw all of her applications except an Application to cancel a Notice to End Tenancy given for Cause.

The tenant gave evidence under oath.

Service

The tenant testified that she discovered the One Month Notice to End Tenancy dated October 31, 2008 posted to her door on November 3, 2008.

The tenant's Application for Dispute Resolution is stamped as having been filed on November 13, 2008. The tenant says the landlord attended the rental unit along with city officials to do an inspection of the rental property on November 14, 2008 and it was at that time that the tenant personally served the landlord with her Application for Dispute Resolution.

The landlord did not attend the hearing.

Findings

The landlord served the tenant with a Notice to End Tenancy for Cause. I find that the tenant disputed that notice within the allowable time limit and I find that the landlord was personally served with the Tenant's Application for Dispute Resolution. When a tenant disputes a Notice to End Tenancy the burden of proving cause for the issuance of the notice is the responsibility of the landlord. Because the landlord did not attend the hearing to meet this burden the Notice to End Tenancy effective December 1, 2008 is therefore cancelled.

The effect of this decision is that this tenancy will continue.