

## **Decision**

### **Dispute Codes:**

CNC

### **Introduction**

This Application for Dispute Resolution by the tenant was seeking to cancel a One-Month Notice to End Tenancy for Cause dated July 16, 2010 which was served on July 19, 2010. The tenant had made an earlier application to dispute the notice that had been dismissed with leave to reapply.

Despite being served by registered mail sent on September 23, 2010, the landlord did not appear.

The One-Month Notice to Notice to End Tenancy for Cause, a copy of which was had previously been submitted into evidence, indicated that the tenant had significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property.

### **Issue(s) to be Decided**

The tenant is disputing the basis for the notice and the issues to be determined based on the testimony and the evidence is whether the criteria to support a One-Month Notice to End Tenancy under section 47 of the *Residential Tenancy Act*, (the *Act*), has been met, or whether the notice should be cancelled on the basis that the evidence does not support the cause shown.

**Burden of Proof:** The burden of proof is on the landlord to establish that the notice was justified.

### **Background and Evidence**

The tenant stated that there was no valid basis for the notice and the landlord has not pursued the matter. No evidence was submitted by the landlord.

### **Analysis**

Although this application was submitted by the tenant long after the July 16, 2010 One-Month Notice to End Tenancy was served by the landlord, I find that the tenant did originally make an application to dispute the Notice within the statutory deadline of 10 days. In light of the fact that the landlord has failed to sufficiently prove that the criteria shown on the Notice to support ending the tenancy under section 47 of the Act has been met, I find that I must cancel the One-Month Notice to End Tenancy for Cause dated July 16, 2010.

### **Conclusion**

Based on the above, I hereby order that the One-Month Notice to End Tenancy of July 16, 2010 be cancelled and of no force nor effect.

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: October 2010.

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Dispute Resolution Officer