



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** CNC

### **Introduction**

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause. The notice of hearing was served on the landlord by registered mail. The tenant provided a tracking number. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issue to be Decided**

Does the landlord have grounds to end this tenancy?

### **Background and Evidence**

The tenancy began about ten years ago. The monthly rent is \$750.00 payable on the first day of each month. On October 27, 2011, the landlord served the tenant with a notice to end tenancy for cause. The reasons for the notice are that the tenant is repeatedly late paying rent and the tenant has engaged in illegal activity that has damaged the landlord's property. The tenant disputed the notice in a timely manner.

### **Analysis**

In order to support the notice to end tenancy, the landlord must prove at least one of the grounds alleged, namely that the tenant is repeatedly late paying rent or the tenant has engaged in illegal activity that has damaged the landlord's property. The landlord did not file any evidence to support the reasons for the notice to end tenancy, nor did he attend the hearing. Without other evidence to support the claim, the landlord has not met the burden of proof and therefore I allow the tenant's application and set aside the landlord's notice to end tenancy.

**Conclusion**

The notice to end tenancy is set aside and the tenancy shall continue.

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: November 23, 2011.

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Residential Tenancy Branch