Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a one month notice to end tenancy for cause.

Although deemed served with the Application for Dispute Resolution and Notice of Hearing on November 30, 2011, the landlord did not appear. I find that the landlord has been duly served in accordance to the Act.

The tenant appeared and was ready to proceed with his application.

Issue(s) to be Decided

Should the one month notice to end tenancy for cause be cancelled?

Background and Evidence

The tenant was served with a one month notice to end tenancy for cause that was issued on November 24, 2011. The tenant disputes the allegations set out in the notice and is seeking to have the notice cancelled.

Analysis

Based on the above testimony, evidence, and on a balance of probabilities, I find as follows:

In this instance, the burden of proof is on the landlord to prove the tenant has allowed an unreasonable number of occupants in the unit, seriously jeopardized the health or safety or lawful right of another occupant or the landlord and jeopardize a lawful right or interest of another occupant or the landlord.

In the absence of proof by the landlord, I find that the landlord has not established the causes listed in the notice and has not provided sufficient evidence necessary under the Act to end the tenancy.

I find the one month notice to end tenancy for cause issued on November 24, 2011, is not valid and not supported by the evidence and I order that the notice be cancelled.

Conclusion

I order that the one month notice to end tenancy for cause be cancelled, and 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: December 09, 2011.

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Residential Tenancy Branch