



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for an Order Cancelling a Notice to End Tenancy for Cause. The Tenants and Landlords were each given full opportunity to be heard, to present evidence and to make submissions.

At the onset of the Hearing, the Tenant stated that he received some kind of a Notice, does not know when the Notice was provided to him but imagines that it may have been received on February 9, 2012. The Landlord did not file a copy of the Notice, or any evidentiary materials and although the Landlord states that witnesses were to appear, no witnesses appeared for the Hearing.

Where a Notice to End Tenancy comes under dispute, the landlord has the burden to prove, on a balance of probabilities, that the tenancy should end for the reason or reasons indicated on the Notice and that at least one reason must constitute sufficient cause for the Notice to be valid. As the Landlord has filed no evidence and has no witnesses, I cannot find that a Notice was validly served on the Tenant nor can any other details of the Notice be determined, such as the effective date of the Notice or the reasons for the Notice. I find therefore that the Landlord has not met the burden of proof required. Accordingly, I find the Notice to End Tenancy to be invalid and that the Tenant is entitled to a cancellation of that Notice. The Tenancy therefore continues.

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: March 7, 2012.

Residential Tenancy Branch