



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, ERP, RR

Introduction

This matter dealt with an application by the Tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent dated February 6, 2012, to cancel a One Month Notice to End Tenancy for Cause, for an Order that the Landlord make emergency repairs and for a rent reduction. At the beginning of the hearing, the Tenant said he has resolved the issue of the alleged emergency repairs with the Landlord and as a result, he withdrew his applications for emergency repairs and for a rent reduction.

The Tenant said he served the Landlord with the Application and Notice of Hearing (the "hearing package") by registered mail on February 13, 2012. According to the Canada Post online tracking system, the Landlord received this mail on February 16, 2012. Based on the evidence of the Tenant, I find that the Landlord was served with the Tenant's hearing package as required by s. 89 of the Act.

However, the Landlord has the burden of proof to show (on a balance of probabilities) that grounds exist (as set out on the Notice(s) to End Tenancy) to end the tenancy. Neither Party provided a copy of a One Month Notice to End Tenancy as evidence at the hearing. In the absence of any evidence from the Landlord to show that grounds exist to end the tenancy (either under the 10 Day or the One Month Notice), I find that there is insufficient evidence to support them and as a result, they are cancelled.

Conclusion

The Tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent dated February 6, 2012 and to cancel a One Month Notice to End Tenancy for Cause is granted. The Tenant's applications for emergency repairs and for a rent reduction are withdrawn. 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 05, 2012.

Dispute Resolution Officer