



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to section 46 of the *Residential Tenancy Act* (the “Act”) for an Order Cancelling a Notice to End Tenancy for Cause.

I accept the Tenant’s evidence that the Landlord was personally served with the application for dispute resolution and notice of hearing on May 14, 2011 at the Landlord’s office in accordance with Section 89 of the Act. The Landlord did not participate in the conference call hearing. The Tenant was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Notice valid?

### Background and Evidence

The Tenant denies that the Landlord has cause to end the tenancy. The Landlord did not attend the hearing.

### Analysis

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. Given that the Landlord did not appear and consequently failed to provide evidence to prove that the tenancy should end, I find that the Notice is not valid. The Notice is cancelled and the tenancy continues.

Conclusion

The Notice is cancelled and the tenancy 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: June 05, 2012.

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Residential Tenancy Branch