



Dispute Resolution Services

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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 on August 23, 2012. The tenant stated that she lost her tracking slip and therefore was unable to provide a tracking number. The tenant testified that she met the landlord on September 18 and reminded him about the hearing. He nodded in acknowledgement. Based on the tenant's sworn testimony, I accept that the landlord was served with the notice of hearing package.

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 on August 01, 2012. The monthly rent is \$550.00 payable on the first day of each month. On August 19, 2012, the landlord served the tenant with a notice to end tenancy for cause. The reasons for the notice are that the tenant has breached a term of the tenancy agreement by having additional occupants and smoking inside the rental unit. The tenant disputed the notice in a timely manner.

Analysis

In order to support the notice to end tenancy, the landlord must prove the grounds alleged. 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: September 21, 2012.

Residential Tenancy Branch