



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause. The landlord did not appear at the hearing. The tenant testified that she sent the hearing package to the landlord via registered mail. The tenant provided a registered mail tracking number as proof of service. A search of the tracking number showed that the landlord received the hearing documents on October 10, 2012. I was satisfied the landlord has been sufficiently served with notice of this proceeding and I continued to hear from the tenant without the landlord present.

### Issue(s) to be Decided

Should the Notice to End Tenancy be upheld or cancelled?

### Background and Evidence

The tenant received a 1 Month Notice to End Tenancy for Cause (the Notice) dated September 15, 2012. The tenant disputed the Notice within the time limit required by the Act.

### Analysis

Where a Notice to End Tenancy comes under dispute, the landlord has the burden to prove that the tenancy should end for the reason(s) indicated on the Notice.

Since the landlord failed to appear at the hearing I find the landlord has not met his burden to prove the tenancy should end for the reasons indicated on the Notice. Therefore, I cancel the Notice with the effect that this tenancy continues.

### Conclusion

The Notice to End Tenancy issued September 15, 2012 has been 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: October 24, 2012.

---

Residential Tenancy Branch