



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 for Dispute Resolution by the tenant to cancel a one month notice to end tenancy for cause (the “notice”) issued on October 9, 2012.

Although served with the Application for Dispute Resolution and Notice of Hearing on October 25, 2012, by personal service the landlord did not appear. I find the landlord has been duly served in accordance with the Act.

In a case where a tenant has applied to cancel a notice for cause, Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence and submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the notice.

Issue(s) to be Decided

Should the one month notice to end tenancy be cancelled?

Background and Evidence

The tenant was served with a one month notice to end tenancy for cause dated October 9, 2012. On October 19, 2012, the tenant disputed the one month notice to end tenancy by filing their application for Dispute Resolution. I find the tenant did dispute the notice to end tenancy within the ten days required by the Act.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

In this case, the landlord did not appear at the scheduled dispute resolution hearing and the onus was on the landlord to prove cause sufficient to terminate the tenancy for the reasons given in the notice. As the landlord had failed to prove such cause as specified in the notice, I grant the tenant’s application to cancel the notice to end tenancy issued on October 9, 2012. The tenancy will continue until ended in accordance with the Act.

Conclusion

I grant the tenant's application and order that the notice to end tenancy dated October 9 2012, be cancelled. The tenancy will continue until ended in accordance with the Act.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Manufactured Home Park *Tenancy Act*.

Dated: November 26, 2012.
