



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was scheduled for 2:30 p.m. on today's date to hear 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 he personally delivered the hearing documents to the landlord's office as provided on the Notice to End Tenancy.

I noted that the landlord's name, as it appears on the Application for Dispute Resolution, was different than the landlord's named on the Notice to End Tenancy. The tenant explained that he named the property management company that manages the residential property on behalf of the landlord.

Based upon the undisputed testimony provided to me, I was satisfied the tenant served his landlord, as defined under the Act, with the hearing documents and I waited for the landlord to appear until 2:40 p.m.

Issue(s) to be Decided

Should the 1 Month Notice to End Tenancy for Cause be upheld or cancelled?

Background and Evidence

On November 28, 2012 the landlord served the tenant with a 1 Month Notice to End Tenancy for Cause (the Notice). The tenant filed to dispute the Notice within the time limit required by the Act and the Notice is the subject of this dispute.

Analysis

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

Since the landlord did not appear at the hearing or provide any written submissions or evidence prior to the hearing I find the landlord has not met its burden and I cancel the Notice with the effect that this tenancy continues.

Conclusion

The Notice to End Tenancy issued November 28, 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: December 11, 2012.

Residential Tenancy Branch