



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 the *Residential Tenancy Act* (the "Act") for an Order as follows:

1. An Order Cancelling a Notice to End Tenancy for Cause - Section 47.
The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

Preliminary Matter

At the onset of the Hearing, the Landlord stated that they have no evidence to support the Notice.

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 has no evidence to provide in relation to the cause for the Notice, I find that the Notice is not valid and that the Tenant is therefore entitled to a cancellation of the Notice. The Tenancy continues.

Conclusion

The Notice to End Tenancy is cancelled and of no effect. 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: February 05, 2013

Residential Tenancy Branch

