



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 the Tenant's application cancel a *One Month Notice to End Tenancy for Cause* (the Notice) issued March 1, 2013.

The Tenant and her witness gave affirmed testimony at the Hearing.

The Tenant testified that she served the Landlord with the Notice of Hearing documents by handing the documents to the Landlord at the rental unit on March 22, 2013 in the afternoon.

The Tenant's witness testified that he was present when the Tenant served the Landlord. He stated that the Tenant served the Landlord at approximately 3:30 p.m. on March 22, 2013.

This application was scheduled to be heard via teleconference on April 18, 2013, at 3:00 p.m. The Tenant signed into the conference on time and was ready to proceed, however by 3:10 p.m., the Landlord had not yet signed into the teleconference.

The Hearing continued in the Landlord's absence.

Issue to be Decided

Should the Notice be cancelled?

Background and Evidence

The Tenant testified that she was served with the Notice on March 13, 2013.

The Tenant stated that she disputes the reasons provided on the Notice for ending the tenancy.

Analysis

When a tenant seeks to cancel a notice to end tenancy, the onus is on the landlord to provide sufficient evidence that the tenancy should end for the reasons provided on the notice.

In this case, the Landlord did not attend the Hearing to provide any evidence and therefore I grant the Tenant's application to cancel the Notice. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

Conclusion

The Notice to End Tenancy issued March 1, 2013, is cancelled. The tenancy remains in full force and effect until it is ended in accordance with the provisions of 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 *Residential Tenancy Act*.

Dated: April 18, 2013

Residential Tenancy Branch