



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NACEL PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction:

The tenant has applied for resolution of a dispute in the tenancy at the above noted address, and requests an order to cancel a 1 Month Notice to End Tenancy, given for cause on May 14, 2013.

The landlord failed to attend the hearing. I accept that the landlord was properly served with notice of this hearing by way of registered mail.

Issue(s) to be decided:

Should the Notice to End Tenancy be cancelled, or has the landlord established grounds to end this tenancy?

Background and Evidence

The tenant was served a 1 Month Notice to End Tenancy on February 1, 2010. He filed his dispute of the notice within the required time to do so. The tenant testified that a settlement had been reached with the landlord in advance of the hearing, and that the tenancy had been reinstated.

Analysis:

Based upon the uncontested testimony of the tenant I accept that the tenancy has been reinstated. Further, the onus of proof to establish the validity of a Notice to End a Tenancy lies with the landlord, and the landlord who was absent from the hearing, has failed to meet that burden of proof.

Conclusion

The subject Notice to End Tenancy is cancelled. 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: June 17, 2013

Residential Tenancy Branch