



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

Tenant: CNC

Landlord: OPC

### **Introduction**

This hearing dealt with an application by the tenant to cancel a Notice to End Tenancy for Cause (the Notice), dated September 26, 2013; and an application by the landlord for an Order of Possession in respect to the same Notice.

The tenant appeared in the conference call hearing to address their application and dispute the landlord's application. However, the landlord did not participate in the conference call hearing despite having also made application to this dispute and having been issued the same date and time to attend this proceeding. The tenant was given full opportunity to be heard, to present evidence and to make submissions.

The landlord's application is preliminarily **dismissed**, without leave to reapply.

### **Issue(s) to be Decided**

Should the Notice to End dated September 26, 2013 be cancelled?

### **Background and Evidence**

The landlord did not appear in the hearing to defend their reasons respecting the Notice to End, and request for an Order of Possession and their application has been dismissed. In this type of hearing, in which the landlord has given the tenant a 1 Month Notice to End Tenancy for Cause, the burden of proof rests with the landlord to provide evidence they issued a valid Notice for sufficient and valid reasons as prescribed by the Act. The tenant testified that the matter has not been resolved between the parties and there has not been defining communication between the parties to address the dispute. The tenant disputes the landlord's Notice and wishes for the tenancy to continue.

### **Analysis**

In the absence of the landlord's appearance in this matter; bearing the onus to establish they gave the tenant a valid Notice to End, I find the Notice to End dated September 26, 2013 is **cancelled, and of no effect**. If necessary, the landlord is at liberty to issue another new Notice to End for *valid* reasons.

### **Conclusion**

The tenant's application is granted. The landlord's Notice to End is **set aside and is of no effect**. The tenancy continues.

**This Decision is final and binding on both parties.**

*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: November 13, 2013

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Residential Tenancy Branch

