



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MT

### Introduction

This hearing dealt with a tenant's application for to cancel a 1 Month Notice to End Tenancy for Cause and more time to make the application. The landlord did not appear at the hearing. The tenant testified that she personally served the hearing documents to the landlord's husband on September 30, 2013. The tenant testified that the landlord's husband is also the landlord, or agent for the landlord, as he entered into the tenancy agreement with the tenant and issued rent receipts to the tenant. I was satisfied the tenant sufficiently served the hearing documents to the landlord and I continued to hear from the tenant without the landlord present.

Although the tenant indicated she needed more time to file this Application for Dispute Resolution I was presented evidence that the tenant received the 1 Month Notice on September 21, 2013. By filing this Application for Dispute Resolution on September 30, 2013 I found the tenant was within the time limit for disputing the Notice and it was unnecessary to consider this request further.

### Issue(s) to be Decided

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

### Background and Evidence

The tenant filed to dispute the 1 Month Notice to End Tenancy for Cause (the Notice) that she received on September 21, 2013. The landlord failed to appear at the hearing to provide evidence to prove the tenancy should end for the reasons indicated on the Notice.

Analysis

Where a tenant files to dispute a Notice to End Tenancy the landlord bears the burden to prove the tenancy should end for the reason(s) indicated in the Notice. In the absence of any evidence or submissions from the landlord to prove the tenancy should end, I find the landlord has not met its burden and I cancel the Notice. Since the Notice has been cancelled the tenancy continues.

Conclusion

The 1 Month Notice to End Tenancy for Cause 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: November 07, 2013

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Residential Tenancy Branch

