



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

CNC

Introduction

This Application for Dispute Resolution by the tenant was seeking to cancel a One-Month Notice to End Tenancy for Cause dated October 31, 2013.

Despite being served with the Notice of Hearing by registered mail verified by the Canada Post tracking number as having been sent on November 5, 2013 and received by the landlord on November 7, 2013, the landlord did not appear.

Issue(s) to be Decided

Should the One Month Notice to End Tenancy for Cause be cancelled?

Background and Evidence

The tenant testified that the tenancy began in 1999 and the current rent is \$680.00.

The One-Month Notice to Notice to End Tenancy for Cause, a copy of which was submitted into evidence, indicated that the tenancy was being terminated because:

- the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property and jeopardize a lawful right or interest of another occupant or the landlord.

The tenant testified that she is disputing the Notice and is requesting that it be cancelled.

The landlord did not appear and although the landlord submitted an evidence package, the tenant testified that no evidence was never served on the tenant to justify the One Month Notice to End Tenancy for Cause.

Analysis

The burden of proof to justify the One-Month Notice issued under section 47 is on the landlord. However, this landlord did not appear at the hearing to present their evidence or give testimony to support the Notice.

Given that the landlord has failed to attend and has not adequately satisfied their burden of proof to justify the Notice, I find that the tenant's request to cancel the One-Month Notice to End Tenancy for Cause must be granted.

Based on the evidence before me, I hereby order that the One-Month Notice to End Tenancy for Cause dated October 31, 2013, be cancelled.

Conclusion

The tenant is successful in the application and the One-Month Notice to End Tenancy for Cause is permanently cancelled and is of no force nor 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: December 17, 2013

Residential Tenancy Branch

