



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1012 MAIN ST HOLDINGS LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was scheduled for 2:30 p.m. on this date to deal with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause. The landlord did not appear at the hearing despite leaving the teleconference call open for at least 10 minutes. The tenant testified that he served the hearing package to the landlord at the landlord's office. The tenant confirmed that he was served with an evidence package from the landlord on April 21, 2014. I noted that the landlord also served the Residential Tenancy Branch with an evidence package. Therefore, I was satisfied the landlord was notified of today's hearing and I proceeded with the hearing.

### Issue(s) to be Decided

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

### Background and Evidence

The landlord served with a 1 Month Notice to End Tenancy for Cause dated March 5, 2014 (the Notice). The tenant filed to dispute the Notice within the time limit for doing so. The landlord did not appear at the hearing scheduled to deal with the Notice despite being duly served.

The tenant denied receiving the 10 Day Notices included in the landlord's evidence package and testified that all rental arrears have been paid.

### Analysis

Where a Notice to End Tenancy comes under dispute, the landlord has the burden to prove that the tenancy should end for the reason(s) indicated on the Notice. In the absence of the landlord at the scheduled hearing I find the landlord has not met its

burden. As a result, I grant the tenant's request to cancel the Notice and this tenancy continues.

Conclusion

The 1 Month Notice issued on March 5, 2014 is 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: May 01, 2014

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Residential Tenancy Branch

