



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Northstar Hotel Corporation  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to section 46 of the *Residential Tenancy Act* (the “Act”) for an Order cancelling a notice to end tenancy.

I accept the Tenant’s evidence that the Landlord’s Agent was served with the application for dispute resolution and notice of hearing in person at the Landlord’s office on June 2, 2014 in accordance with Section 89 of the Act. The Landlord did not participate in the hearing. The Tenant was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the Tenant entitled to a cancellation of the notice to end tenancy?

### Background and Evidence

The tenancy started on December 1, 2013. Rent of \$425.00 is payable each month on the first day of each month. On May 28, 2014 the Tenant received a 10 day notice to end tenancy for unpaid rent (the “Notice”).

The Tenant states that he worked for the Landlord during the month of April 2014 in lieu of paying rent and that the total rent for April 2014 was covered by the employment

earnings. The Tenant states that the Landlord's Agent no longer works for the Landlord and that the Tenant continues to work for the Landlord.

### Analysis

Where a Notice to End Tenancy comes under dispute, the landlord has the burden to prove, on a balance of probabilities, that the tenancy should end for the reason indicated on the Notice. In this case and based on the undisputed evidence of the Tenant, I find that no rents were outstanding for April 2014 and that the Notice is therefore not valid. The Tenant is entitled to a cancellation of the Notice. The tenancy continues.

### Conclusion

The Notice is cancelled.

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: July 22, 2014

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Residential Tenancy Branch

