



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0875193 BC Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, OPC, OPB, FF

### Introduction

This hearing was scheduled to deal with applications by both the tenants and the landlord. The tenants applied to cancel a notice to end tenancy for cause. The landlord filed a cross-application for an order of possession and to recover the RTB filing fee.

The tenant attended the teleconference hearing, however the landlord did not attend. Since the landlord did not appear to speak to their application, the landlord's application is dismissed. After waiting 10 minutes for the landlord, the hearing was concluded. It was not necessary to hear evidence from the tenant, for the reasons set out below.

### Issue(s) to be Decided

Should the notice to end tenancy be cancelled?

### Background and Evidence

The tenant applies to cancel a 1 Month Notice to End Tenancy for Cause dated July 4, 2014 (the "Notice").

### Analysis

When a landlord issues a notice to end tenancy for cause and the notice is disputed by the tenant, the onus is on the landlord to prove one or more of the specified causes on a balance of probabilities. If the landlord proves at least one of those causes, the Notice will not be cancelled. However, if the landlord does not prove any of the specified causes, then I must cancel the Notice.

In this case, the landlord did not provide any evidence in support of the Notice. For that reason, I find the landlord has not proven one or more of the specified causes on a

balance of probabilities. The Notice is therefore cancelled and the tenancy will continue.

Conclusion

The landlord's application is dismissed. 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: September 15, 2014

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Residential Tenancy Branch

