



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes          CNC

### **Introduction:**

The tenant has applied for resolution of a dispute in the tenancy at the above noted address, and requests an order to cancel a 1 Month Notice to End Tenancy, given for cause on February 1, 2010.

The landlord failed to attend the hearing. I accept that the landlord was properly served with notice of this hearing by way of personal service to the landlord's manager.

### **Issue(s) to be decided:**

Should the Notice to End Tenancy be cancelled, or has the landlord established grounds to end this tenancy?

### **Background and Evidence**

The tenant was served a 1 Month Notice to End Tenancy on February 1, 2010. He filed his dispute of the notice within the required time to do so. He has been advised by the landlord's manager that the notice has been withdrawn. Rent for August and September has been accepted by the landlord.

### **Analysis:**

The onus of proof establish the validity of a Notice to End a Tenancy lies with the landlord, and the landlord, who was absent from the hearing, has failed to meet that burden of proof.

### **Conclusion**

The subject Notice to End Tenancy is cancelled. 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: September 12, 2014

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Residential Tenancy Branch

