



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management/BC Housing
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC

Introduction

This Hearing was scheduled to hear the Tenant's application to cancel a Notice to End Tenancy for Cause issued September 3, 2014 (the "Notice").

The Tenant gave affirmed testimony at the Hearing.

The Tenant stated that he received the Notice on September 5, 2014, posted to his door.

The Tenant testified that he served the Landlord's agent, the Manager, with the Notice of Hearing documents, at the office of the rental property on September 11, 2014, in the late morning.

Based on the affirmed testimony of the Tenant, I am satisfied that the Landlord was duly served with the Notice of Hearing documents.

Issue to be Decided

Should the Notice be cancelled?

Background and Evidence

This application was scheduled to be heard via teleconference on October 29, 2014, at 1:00 p.m. The teleconference remained open for 15 minutes, but the Landlord did not sign into the conference.

Analysis

When a tenant seeks to cancel a notice to end tenancy issued by a landlord, the onus is on the landlord to provide sufficient evidence to prove that the tenancy should end for the reasons contained in the notice to end tenancy. In this case, the Landlord provided no evidence to support the Notice. Therefore, I find that the Landlord has not provided sufficient evidence and has not met the burden of proof.

Conclusion

The Tenant's application is granted. The Notice to End Tenancy for Cause issued September 3, 2014, is cancelled. The tenancy will remain in full force and effect until it is ended in accordance with the provisions of the Act.

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: October 29, 2014

Residential Tenancy Branch

