



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing convened pursuant to the tenant's application to cancel a notice to end tenancy for unpaid rent. The tenant attended the teleconference hearing but the landlord did not.

The hearing was originally scheduled for October 28, 2014. On October 21, 2014 the Residential Tenancy Branch received a request from the landlord for an adjournment of the hearing. On October 22, 2014 the Branch sent the landlord and the tenant a Notice of Rescheduled Hearing, which indicated that the hearing would take place on November 13, 2014 at 11:00 a.m. I was satisfied that the landlord was served with notice of the rescheduled hearing time and date, and I proceeded with the hearing in the absence of the landlord. The teleconference line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the tenant.

Preliminary Issue – Landlord Non-Appearance

When a tenant applies to cancel a notice to end tenancy, the landlord must provide evidence to establish the validity of the notice. As the landlord did not appear in this hearing, despite being served with notice of the rescheduled hearing, I accordingly cancel the notice to end tenancy.

Conclusion

The notice to end tenancy is cancelled, with the effect that the tenancy continues until it is ended in accordance with 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: November 13, 2014

Residential Tenancy Branch

