



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was convened to address a claim by the tenant for an order setting aside a notice to end this tenancy. The tenant was represented by her advocate. The landlord did not appear at the conference call hearing.

The advocate testified that he had been told by the tenant that she personally served the landlord with the application for dispute resolution and notice of hearing on or about September 19 and the advocate testified that he sent the landlord information about the claim and the hearing 2 weeks prior to the hearing. I was satisfied that the landlord had notice of the claim and the hearing proceeded in their absence.

### Issue to be Decided

Should the notice to end tenancy be set aside?

### Background and Evidence

The tenant provided a copy of a one month notice to end tenancy for cause which she claimed to have received on September 10, 2014.

### Analysis

The landlord bears the burden of proving that they have grounds to end the tenancy. As the landlord did not participate in the hearing and did not present any evidence to show that they have grounds to end the tenancy, I find that the landlord has failed to meet their burden of proof. I order that the notice to end tenancy dated September 1, 2014 be set aside and of no force or effect. As a result, the tenancy will continue.

Conclusion

The notice to end tenancy is set aside.

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 06, 2014

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Residential Tenancy Branch

