



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            CNC CNR

### Introduction

This hearing was convened pursuant to the tenant's application to cancel two notices to end tenancy. The tenant called in to the teleconference hearing but the landlord did not.

The tenant submitted evidence to establish that the landlord was served with the application for dispute resolution and notice of hearing by registered mail sent on September 15, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the landlord was deemed served with notice of the hearing on September 20, 2014, and I proceeded with the hearing in the absence of the landlord.

### Preliminary Issue – Disputed Notices to End Tenancy

When a tenant applies to cancel a notice to end tenancy, the landlord has the burden of proof to establish that the notice is valid. If the landlord does not appear in the hearing, despite being served with the application and notice of hearing, then the notice to end tenancy is cancelled.

In this case, as the landlord did not appear in the hearing, I cancel both notices to end tenancy dated August 30, 2014.

### Conclusion

I hereby cancel the notices to end tenancy dated August 30, 2014. The tenancy continues until such time as it ends 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 3, 2014

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Residential Tenancy Branch

