



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Grove Cedar Limited
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant seeking to have a One Month Notice to End Tenancy for Cause set aside. The tenant participated in the conference call hearing but the landlord(s) did not. The tenant presented evidence that the landlords were served with the application for dispute resolution and notice of hearing by personal service on November 14, 2014. I found that the landlord had been properly served with notice of the tenant's claim and the date and time of the hearing and the hearing proceeded in their absence. The tenant gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to have the notice set aside?

Background and Evidence

The tenant gave the following undisputed evidence. The tenant stated that he was served a One Month Notice to End Tenancy for Cause by the landlord on November 1, 2014. The tenant stated that the landlord served the notice on grounds that rental unit/site must be vacated to comply with a government order. The tenant stated that this property was "grandfathered in" when the area was rezoned and that he is entitled to remain. The tenant stated that the landlords' basis for issuing the notice is in error.

Analysis

When a landlord issues a notice to end tenancy under Section 47 they bear the burden of proving the issuance of that notice. The tenant named the local municipality as a respondent. A by-law officer attended the hearing but not as agent for the landlord. The landlord chose not to participate or submit evidence for consideration. Based on the insufficient evidence before me I hereby set aside the One Month Notice to End Tenancy for Cause dated November 1, 2014 with an effective date of December 15, 2014. The notice is of no effect or force. The tenancy continues on the original terms and conditions.

Conclusion

The One Month Notice to End Tenancy for Cause dated November 1, 2014 with an effective date of December 15, 2014 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: December 15, 2014

Residential Tenancy Branch

