



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Community Builders
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNR

Introduction

This Hearing was scheduled to hear the Tenant's application to cancel a Notice to End Tenancy for Unpaid Rent issued December 2, 2014 (the "Notice").

The Tenant's agent gave affirmed testimony at the Hearing.

The Tenant's agent testified that the Landlord's agent was served with the Notice of Hearing documents, at the Landlord's business office on December 15, 2014.

Based on the affirmed testimony provided by the Tenant's agent, 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

The Tenant's agent stated that the Tenant received the Notice on December 3, 2014. She testified that all rent has been paid in full.

Analysis

This application was scheduled to be heard via teleconference on January 9, 2015, at 1:30 p.m. The teleconference remained open for 12 minutes, but the Landlord did not sign into the conference.

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 Unpaid Rent issued December 2, 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: January 09, 2015

Residential Tenancy Branch

