



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenant to cancel a notice to end tenancy for cause.

The Tenant appeared for the hearing and provided affirmed testimony as well as documentary evidence in advance of the hearing. There was no appearance by the Landlord for the ten minute duration of the hearing and no submission of written evidence prior to the hearing.

The Tenant testified that he had served a copy of the Application and the Notice of Hearing documents to the Landlord by registered mail on December 4, 2014. The Tenant provided a copy of the Canada Post tracking number as evidence for this method of service. The Canada Post website indicates that this was received and signed for on December 9, 2014.

As a result, I find that the Tenant proved service of the documents for this hearing in accordance with Section 89(1) (c) of the Act.

The Tenant provided a copy of the 1 Month Notice to End Tenancy for Cause (the “Notice”) dated December 1, 2014. The Tenant testified that the Notice had been served to him personally and that he had applied to dispute the Notice on December 2, 2014. The Tenant testified that he did not agree with the reasons on the Notice and had not been provided any information about the reasons for the issuing of the Notice.

Analysis and Conclusion

I find that the Tenant made the Application to dispute the Notice within the time limits imposed by Section 47(4) of the Act.

The Landlord failed to appear for the hearing and provided no documentary evidence in advance of the hearing to prove the reasons why the tenancy should end.

When a Landlord serves a Tenant with a Notice, the Landlord bears the burden of proof. As the Landlord failed to appear for the hearing to prove the Notice and the Tenant disputes the Notice, I must now cancel the Notice.

Conclusion

For the reasons set out above, I cancel the Notice issued by the Landlord dated December 1, 2014 and the tenancy will continue 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: January 06, 2015

Residential Tenancy Branch

