



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            CNR

### Introduction

This hearing convened pursuant to the tenant's application to cancel a notice to end tenancy issued January 6, 2015. The tenant called in to the teleconference hearing but the landlord did not.

The tenant stated that he personally served the landlord with the application for dispute resolution and notice of hearing on January 13, 2015. I accepted the tenant's testimony regarding service of notice of the hearing.

### Notice to End Tenancy – Burden of Proof

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.

This matter was set for hearing by telephone conference call at 11:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the tenant. Therefore, as the landlord did not attend the hearing by 11:10 a.m., and I accepted the tenant's testimony that he served the landlord with the notice of hearing, I cancelled the notice to end tenancy issued January 6, 2015.

### Conclusion

The notice to end tenancy issued January 6, 2015 is cancelled, with the effect that 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: February 2, 2015

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Residential Tenancy Branch

