



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 teleconference, the landlord did not. The tenant stated that; in the presence of a witness he served the landlord the Notice of Hearing documents, his application seeking to have a One Month Notice to End Tenancy for Cause set aside and his evidence on April 18, 2015. Based on the undisputed testimony of the witness I accept the landlord was served said documents in accordance with the Act and the rules of procedure. 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 testimony:

The tenant stated that he was served the One Month Notice to End Tenancy for Cause on April 10, 2015. The tenant stated that he was only given page 1 of 2 and has not been made aware of the “cause” for eviction. The tenant stated that the manager who issued the notice to him no longer works for the company. The tenant stated that he wishes to have the tenancy continue.

Analysis

When a landlord issues a notice under Section 47 of the Act they bear the burden of providing sufficient evidence to support the issuance of the notice. As the landlord has chosen not to submit any documentary evidence for this hearing or participate in the teleconference, although duly served, I must set aside the One Month Notice to End Tenancy for Cause dated April 10, 2015, it is of no effect or force.

Conclusion

The notice is set aside, the tenancy continues on the same terms and conditions as agreed upon. The tenant has been successful in his application.

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: May 27, 2015

Residential Tenancy Branch

