



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: CNC

### Introduction

The tenant has applied for a order pursuant to section 47(4) of the Residential Tenancy Act to set aside a Notice of End a Residential Tenancy March 25, 2015 and setting the end of tenancy for May 1, 2105. Only the tenant attended the conference call hearing.

### Issue(s) to be Decided

Will the tenancy continue?

### Background and Evidence

Based upon the evidence of the tenant and his advocate and with reference to Canada Post's web site I find that the Application for Arbitration/Notice of Hearing was served on the landlord on April 8, 2015 by registered mail. The landlord failed to attend the hearing which lasted for ten minutes.

### Analysis

The tenant disputed a Notice to End the Tenancy for Cause dated March 25, 2015. Once a Notice for Cause is disputed the burden of proof shifts to the landlord to prove the grounds upon which they seek to rely upon to evict a tenant. In this matter the landlord failed to attend the hearing which was concluded after ten minutes. The landlord also did not submit any evidence. I find that the landlord has failed to prove cause. Accordingly I have cancelled the Notice to End the Tenancy

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Conclusion

I have cancelled the Notice to End the Tenancy dated March 25, 2015 with an effective date of May 1, 2015. I order that the tenancy will continue. The landlord must be served with a copy of this decision.

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 12, 2015

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Residential Tenancy Branch

