



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC

Introduction

This hearing dealt with an application by the tenant to cancel a 1 month Notice to End Tenancy (the Notice), dated April 13, 2015.

The applicant tenant attended the hearing. I accept the tenant's evidence that despite the landlord having been personally served with the application for dispute resolution and notice of hearing April 24, 2015, in accordance with Section 89 of the Residential Tenancy Act (the Act) the landlord did not participate in the conference call hearing.

Issue(s) to be Decided

Should the Notice to End dated April 13, 2015 be set aside?

Background and Evidence

The tenant disputes the landlord has cause to end the tenancy.

Analysis

In this type of application, the burden of proof rests with the landlord to provide evidence the Notice to End was validly issued for the stated reasons. The tenant disputes the Notice to End and the landlord did not appear in the hearing to request an Order of Possession and defend their reasons for why they issued the Notice to End for Cause.

I Order the Notice to End dated April 13, 2015 is cancelled, or set aside.

If necessary, the landlord is at liberty to issue a new Notice to End for *valid* reasons.

Conclusion

The tenant's application is granted. The landlord's Notice to End is **set aside and is of no effect**. The tenancy continues.

This Decision is final and binding on both parties.

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: June 08, 2015

Residential Tenancy Branch

