



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC

Introduction

This Hearing was scheduled to hear the Tenants' application to cancel a Notice to End Tenancy for Cause issued June 9, 2015 (the "Notice").

The Tenant stated that he served the Landlord with the Notice of Hearing documents by handing the documents to the Landlord on June 25, 2015. I am satisfied that the Landlord was duly served with the Notice of Hearing documents.

Issue to be Decided

Should the Notice be cancelled?

Background and Evidence

This application was scheduled to be heard via teleconference on July 22, 2015, at 11:00 a.m. The teleconference remained open for 10 minutes, but the Landlord did not sign into the conference. The Tenant stated that he believed that the Landlord would not sign into the conference because she had told him that she was not going to proceed with enforcing the Notice.

Analysis

When a tenant seeks to cancel a notice to end tenancy issued by a landlord, the onus is on the landlord to provide sufficient evidence to prove that the tenancy should end for the reasons contained in the notice to end tenancy. In this case, the Landlord provided no evidence to support the Notice. Therefore, I find that the Landlord has not provided sufficient evidence and has not met the burden of proof.

Conclusion

The Tenant's application is granted. The Notice to End Tenancy for Cause issued June 9, 2015, is cancelled. The tenancy will remain in full force and effect until it is ended in accordance with the provisions of 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: July 22, 2015

Residential Tenancy Branch

