



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FAIRFIELD BLOCK
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction and Analysis

This hearing convened as a result of a Tenant's Application to Cancel a Notice to End Tenancy for Cause issued on August 5, 2015 (the "Notice").

The Tenant appeared at the hearing. Conversely, the Landlord did not appear at the hearing. The Tenant gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions to me.

As the Landlord did not appear, service of the Notice of Dispute Resolution Hearing and Tenant's Application for Dispute Resolution was considered. The Tenant testified that he served the Landlord personally on August 11, 2015 after receiving the hearing package from the Branch. He stated that he served M.T., who was the owner and the person who signed the Notice. The Tenant testified that service was witnessed by another person who works at the rental building, whom he identified by his first name "Y." I accept the Tenant's testimony and find the Landlord was served in accordance with the *Residential Tenancy Act*.

The Tenant testified that his tenancy began in 1992 and his current rent is \$390.00 per month. He stated that he has enjoyed his long term tenancy and had no issues in the 23 years he has lived in the rental unit, until new management took over. He stated that he was surprised when he received the Notice and has been very worried about being evicted.

Residential Tenancy Branch Rules of Procedure Rule 11.1 provides that when a Tenant applies to set aside a Notice to End Tenancy, the respondent Landlord must present their case first as they must prove the Notice should be upheld. In this case, the Landlord did not attend the hearing and therefore provided no evidence in support of the

Notice. Accordingly, I find that the Notice should be cancelled. The tenancy will continue until ended in accordance with the *Residential Tenancy Act*.

Conclusion

The Landlord did not attend the hearing. The Tenant's Application is granted and the Notice is cancelled. The tenancy shall continue until ended 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: October 20, 2015

Residential Tenancy Branch

