



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Park Terrace Gardens Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant for an order cancelling the landlord's 1 Month Notice to End Tenancy dated November 24, 2015. At the hearing the landlord made a verbal request for an order of possession. Although this hearing was supposed to deal with the tenant's application, the tenant failed to attend the hearing.

Issue(s) to be Decided

Are the parties entitled to the requested orders?

Background and Evidence

This tenancy began on December 1, 2014. On August 28, 2015 the landlord served the tenant with 1 Month Notice to End Tenancy for Cause. The Notice alleged that the tenant has assigned or sublet the rental unit without the landlord's consent. The tenant filed an application for dispute resolution against this Notice on December 1, 2015

Analysis

When a landlord serves a tenant with a Notice to End Tenancy for cause and that Notice is disputed by the tenant, the burden is on the landlord to prove the allegations contained in the Notice on a balance of probabilities. The landlord need not prove all the allegations contained in the Notice. If one allegation is proved, that is sufficient for the landlord to succeed in its application.

However, in this case, the tenant did not even appear for the hearing to present his case and as a result, it is as if the tenant had not disputed the Notice in the first place

and the tenant is conclusively presumed to have accepted that the tenancy has come to an end on the effective date of the Notice, namely December 31, 2015.

Conclusion

I dismiss the tenant's application.

I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

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: January 25, 2016

Residential Tenancy Branch

