



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the one month Notice to End Tenancy dated December 1, 2015.

A hearing was conducted by conference call in the presence of one of the applicants and in the absence of the respondent who failed to appear. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlord carries on business on December 4, 2015. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated December 1, 2015?

### Background and Evidence

The tenancy began with JHR approximately 10 years ago. He vacated the rental unit on December 23, 2015. The tenancy began with ACBR ON July 2, 2015. Each tenant pays \$475 per month on the first day of each month.

### Grounds for Termination:

The Notice to End Tenancy relies on the following grounds:

- Tenant has engaged in illegal activity that has, or is likely to:
  - ...
  - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

Analysis:

The landlord has the burden of proof to establish sufficient cause to end the tenancy on a balance of probabilities. The landlord failed to attend the hearing and failed to present evidence to establish sufficient cause. **As a result I ordered that the Notice to End Tenancy dated December 1, 2015 be cancelled.** The tenancy shall continue with the rights and obligations of the parties remaining unchanged.

The tenant stated she wanted to leave the rental unit at the end of January 2016. The tenant is encouraged to talk to an information officer at the Residential Tenancy Branch. Also the tenant is referred to the Residential Tenancy Branch website where she might find a Mutual Agreement to End the Tenancy.

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 05, 2016

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Residential Tenancy Branch

