



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      cnc

### Introduction

The tenant has applied for resolution of a dispute in the tenancy at the above noted address, and requests an order to cancel a 1 Month Notice to End Tenancy, given for cause on November 26, 2015.

The landlord failed to attend the hearing. I accept the tenant's testimony that the landlord was properly served with notice of this hearing by way of registered mail on or about December 2, 2015, bearing tracking number RN1329029993CA, and that the package was confirmed received.

### Issue(s) to be decided

Should the Notice to End Tenancy be cancelled, or has the landlord established grounds to end this tenancy?

### Background and Evidence

The tenant was served a 1 Month Notice to End Tenancy on November 26, 2015. He filed his dispute of the notice within the required time to do so.

### Analysis

The onus of proof establish the validity of a Notice to End a Tenancy lies with the landlord, and the landlord, who was absent from the hearing, has failed to meet that burden of proof. In the absence of any support evidence from the landlord, the Notice must be cancelled.

### Conclusion

The subject Notice to End Tenancy is cancelled. The tenancy continues.  
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

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Residential Tenancy Branch

