



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAAMCO International Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was scheduled to deal with an application by the tenant for an order canceling the landlord's 1 Month Notice to End Tenancy dated December 21, 2015. The tenant appeared for the conference call hearing. Although served with the Application for Dispute Resolution and Notice of Hearing in person on December 22, 2015 the landlord failed to call into the hearing.

The tenant advised that the landlord had told him that the landlord was withdrawing the Notice to End the Tenancy but the tenant decided he should show for the hearing in any event.

Nonetheless, **I hereby order that the Notice be and is hereby cancelled as a result of the landlord's failure to appear.** By way of explanation, when a tenant disputes a Notice to End Tenancy, the burden of proving the contents of that Notice then shifts to the landlord. In the present case the landlord failed to show up for the hearing and as a result was unable to make his case for upholding the Notice.

The tenancy will continue according to its original terms.

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: February 09, 2016

Residential Tenancy Branch

