



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein he sought to cancel a 1 Month Notice issued on January 3, 2016 as well as more time pursuant to section 66(1) to make his application for dispute resolution.

Only the Tenant and his son, C.R., attended the hearing. The Tenant testified that he personally served the Landlord with Notice of the Hearing on February 1, 2016. He stated that the Landlord came to the rental unit on that date and he served him in front of the Tenant's son, C.R. C.R. also testified that he witnessed his father personally serve the Landlord on February 1, 2016. Based on the undisputed testimony of the Tenant and C.R. I find the Landlord was served with Notice of this proceeding.

The Tenant applied to dispute the Notice. *Residential Tenancy Branch Rules of Procedure 6.6* provides that a Landlord must prove the reason they wish to end a tenancy when the tenant applied to cancel a notice to end tenancy. Accordingly, the onus is on the Landlord to prove the Notice. As the Landlord failed to attend the hearing and meet this burden, the Notice is cancelled. The tenancy will 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: March 14, 2016

Residential Tenancy Branch

