



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Jose Reyes Velacquez and Atira Property management
and [tenant name suppressed to protect privacy]

Dispute Codes CNC

Introduction

The tenant applied for dispute resolution of a dispute in the tenancy at the above address and requested an order pursuant to section 47(4) of the Residential Tenancy Act to set aside a Notice of End a Residential Tenancy for Cause dated February 29, 2016 and setting the end of tenancy for March 31, 2016. Only the tenant and his advocate attended the tele-conference hearing which lasted 10 minutes.

Issue(s) to be Decided

Is the tenant entitled to an Order cancelling the Notice to End the Tenancy?

Background and Evidence

Based on the evidence of the tenant's advocate I find that the Application for Dispute Resolution was served on the landlord by sending it by registered mail on March 4, 2016 and with reference to Canada Post's web site I find that it was received on March 7, 2016.

The tenant requested the cancellation of the Notice to End the Tenancy.

Analysis

The landlord failed to attend the hearing at the appointed time notwithstanding the elapse of **ten** minutes. Rule 10.1 of the Rules of Procedure provides:

Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I conducted the hearing in the absence of the landlord. It is the landlord who has the burden of proof to prove Cause once a tenant disputes a Notice to End the Tenancy for Cause. Here The landlord failed to attend and adduce evidence. Accordingly I allowed the tenant's application and cancelled the Notice to End the Tenancy for Cause dated February 29, 2016.

Conclusion

I have allowed the tenant's application and cancelled the Notice to End the Tenancy. I order that the tenancy is continued.

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: April 11, 2016

Residential Tenancy Branch

