



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, OPT, O

This hearing dealt with an application by the tenant for orders setting aside a 1 Month Notice to End Tenancy for Cause; granting her more time in which to file the application; and granting her an order of possession. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail actually received on August 15, 2016, the landlord did not appear. The landlord did not file any evidence.

The tenant testified that her tenancy started about a year ago as a six month fixed term tenancy and has continued thereafter as a month-to-month tenancy. The monthly rent of \$825.00 is due on the first day of the month and the tenant paid a security deposit of \$412.50.

The tenant testified that the 1 Month Notice to End Tenancy for Cause was posted on the door of the rental unit on July 30. She filed this application disputing the notice on August 8.

Pursuant to section 90(c) of the *Residential Tenancy Act* a document posted to the door of a rental unit is deemed delivered three days later. Accordingly, the notice is deemed delivered August 2.

Pursuant to section 47(4) the tenant had ten days to dispute the notice. She did so within the required time so an order extending the time for service is not required.

When a tenant disputes a notice to end tenancy the onus of proof is on the landlord to establish the grounds stated on the notice, on a balance of probabilities. The landlord did not provide any evidence, either orally or in writing. As the landlord did not meet its' onus of proof, the tenant's application is granted.

The 1 Month Notice to End Tenancy for Cause dated July 30, 2016 is set aside and is of no force or effect. The tenancy continues until ended in accordance with the legislation. 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: September 27, 2016

Residential Tenancy Branch

