



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PORTLAND HOTEL SERVICES SOCIETY  
to protect privacy]

## **DECISION**

Dispute Codes      CNC

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for cancellation of the landlords' 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

The landlords did not attend this hearing, which lasted approximately 20 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant testified that he left a copy of the tenant's application for dispute resolution hearing package with an agent of the landlords at the landlords' address for service on November 7, 2016. Based on the undisputed testimony of the tenant and in accordance with sections 89 and 90 of the *Act*, I find that the landlords were duly served with the tenant's application on November 7, 2016, the day it was served.

### Issue(s) to be Decided

Should the 1 Month Notice be cancelled?

### Background and Evidence

The tenant acknowledged receipt of the 1 Month Notice on November 1, 2016. The tenant testified that he filed an application for dispute resolution on November 4, 2016.

### Analysis

Section 46 of the *Act* provides that upon receipt of a notice to end tenancy for cause the tenant may, within ten days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. If the tenant files an application to dispute the notice, the landlord bears the burden to prove the grounds for the 1 Month Notice. Because the landlords did not attend the hearing I find the landlords have failed

to satisfy the burden of proof and I therefore allow the tenant's application to cancel the 1 Month Notice.

Conclusion

The tenant's application to cancel the 1 Month Notice is allowed. The Notice is of no continuing force or effect. This tenancy continues 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: December 6, 2016

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Residential Tenancy Branch