



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause.

The tenant attended the hearing with a Legal Advocate and an interpreter. However, the line remained open while the phone system was monitored for 10 minutes and no one for the landlord joined the call. The tenant's Legal Advocate testified under affirmation that the landlord was served with the Tenant's Application for Dispute Resolution and notice of this hearing by Registered Mail on May 29, 2017, and orally provided a tracking number assigned by Canada Post. The tenant was given the opportunity to provide proof of such service after the hearing concluded. I have now received a Canada Post cash register receipt bearing that date as well as a Registered Domestic Customer Receipt addressed to the landlord, and I find that the landlord has been served in accordance with the *Residential Tenancy Act*.

Where a tenant disputes a notice to end a tenancy given by a landlord the onus is on the landlord to establish that it was given in accordance with the *Residential Tenancy Act*. The tenant has provided a copy of a One Month Notice to End Tenancy for Cause which is not dated or signed by the landlord, but contains an effective date of vacancy of June 30, 2017.

In the absence of any testimony or evidence from the landlord, that onus has not been met, and therefore, I cancel the One Month Notice to End Tenancy for Cause and the tenancy continues.

Conclusion

For the reasons set out above, the One Month Notice to End Tenancy for Cause containing an effective date of vacancy of June 30, 2017 is hereby cancelled and the tenancy continues.

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: July 25, 2017

Residential Tenancy Branch