



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

The tenant applies to cancel a one month Notice to End Tenancy for cause dated May 31, 2017.

The landlord did not attend the hearing within ten minutes after its scheduled start time, though it has filed material in support of the Notice.

The tenant testifies he personally served a representative of the landlord (the front desk clerk at the rental unit building) with a copy of the application and notice of hearing on June 2, 2017. The tenant's advocate shows that she served the landlord with the material as well, by registered mail.

Canada Post records for the mail (tracking number shown on cover page of this decision) show that the mail was delivered June 7, 2017 and signed for.

I find that the landlord has been duly served.

On applications challenging a Notice to End Tenancy, the burden of proof initially lies with the landlord to show justification for the Notice. Filing material is not sufficient, these proceedings require the attendance of the landlord in order to present any pre-filed material.

In these circumstances I allow the tenant's application. The Notice to End Tenancy dated May 31, 2017 is hereby cancelled.

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 20, 2017

Residential Tenancy Branch