



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding MAN KEI ENTERPRISES
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, however the line remained open while the phone system was monitored for 15 minutes and no one for the landlord joined the call. The tenant's advocate advised that the landlord was served with the hearing package on December 11, 2017 by registered mail and orally provided a tracking number assigned by Canada Post. The Legal Advocate also advised that a search on the Canada Post website shows that the mail was picked up by someone on behalf of the landlord on December 17, 2017. The tenant was permitted to provide proof of such service after the hearing had concluded. I have now received a Registered Domestic Customer Receipt stamped with the date of December 11, 2017 by Canada Post as well as a Canada Post tracking print-out confirming the Legal Advocate's information, 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*. In the absence of any evidence or testimony from the landlord, I cannot be satisfied that the landlord had cause to issue a One Month Notice to End Tenancy for Cause, and therefore I cancel it.

Conclusion

For the reasons set out above, the One Month Notice to End Tenancy for Cause dated November 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: January 30, 2018

Residential Tenancy Branch