



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 583230 BC Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing, via teleconference, was held on October 16, 2018. The Tenant applied to cancel a 1 Month Notice for Cause (the Notice), pursuant to the *Residential Tenancy Act* (the "Act").

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant testified that he sent the Notice of Hearing by regular mail to the address for service (as indicated on the Notice). The Tenant also stated that since he could not send registered mail to a PO Box, he did a corporate registry search with the BC registry, and sent the Notice of Hearing and application to the mailing address and the business location address for the named numbered company. Although the Landlord never picked up the registered mail package, I find the Tenant has sufficiently served the Landlord with the application package and evidence. I further note that the Landlord provided a PO Box as their address for service on the Notice, which makes it difficult for the Tenant to properly serve documents in a verifiable way. The Tenant sent the application and evidence by registered mail to the mailing address indicated for the business (as per BC Corporate Registry) on September 5, 2018. Pursuant to section 88 and 90 of the Act, I find this package is deemed served on September 10, 2018, the fifth day after it was sent by registered mail.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue to be Decided

- Should the Notice be cancelled?

### Background, Evidence, and Analysis

The Tenant stated that he received the Notice on August 20, 2018, and he does not feel the Landlord has sufficient cause to end the tenancy.

In the matter before me, the Landlord has the onus of proof to prove that the Notice is valid. I find that the Landlord was sufficiently served with the Notice of Hearing and failed to attend the hearing to prove the allegation within the Notice.

Therefore, as the Landlord did not attend the hearing by 11:10 am on October 16, 2018, I cancel the Notice, dated August 20, 2018.

I Order the tenancy to continue until ended in accordance with the Act.

### Conclusion

The Tenant's application is successful. The Notice issued by the Landlord dated August 20, 2018, is 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: October 18, 2018

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Residential Tenancy Branch