



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC

Introduction

On October 5, 2018, the Tenant submitted an application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) requesting more time to make an application to cancel a notice to end tenancy; and to cancel a 1 Month Notice To End Tenancy For Cause.

The matter was set for a conference call hearing at 9:30 a.m. on this date. The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant was assisted by an advocate. The phone line remained open and was monitored for ten minutes and the Landlord did not call into the hearing during this time.

Issue to be Decided

- Should the 1 Month Notice dated September 17, 2018, be cancelled?

Background and Evidence

The Tenant testified that the Landlord served her a 1 Month Notice To End Tenancy For Cause dated September 17, 2018. The Tenant disputed the 1 Month Notice on October 5, 2018.

The Tenant testified that she served the Notice of Dispute Resolution Proceeding documents to the Landlord using registered mail sent on October 10, 2018. The Tenant provided the registered mail tracking number as proof of service.

Section 90 of the Act states that a document served by registered mail is deemed to be received on the 5th day after it is mailed.

Analysis

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 properly served with the Notice of Hearing and failed to attend the hearing to pursue the allegation within the 1 Month Notice.

Therefore, as the Landlord did not attend the hearing by 9:40 am, I cancel the 1 Month Notice to End Tenancy For Cause, dated September 17, 2018.

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

Conclusion

The Tenant's application is successful. The 1 Month Notice issued by the Landlord dated September 17, 2018, is cancelled.

The tenancy will continue 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: November 16, 2018

Residential Tenancy Branch