



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause.

The tenant testified that on November 11, 2018, she served the notice of hearing on the landlord by registered mail, to the landlord's service address as provided to the tenant on the notice to end tenancy. The tenant provided a tracking number. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on August 01, 2018. The monthly rent is \$650.00 payable on the first day of each month.

On October 23, 2018, the landlord served the tenant with a notice to end tenancy for cause, in person. The tenant started her application to dispute the notice in a timely manner, but was interrupted by a death of a close friend. The tenant completed and filed her application on November 06, 2018 which is one day beyond the legislated time frame of 10 days. The tenant filed documents to support her testimony for the reason for the delay.

Based on the tenant's testimony I accept the tenant's reason for the delay of one day in making this application

Analysis

In order to support the notice to end tenancy, the landlord must prove the grounds alleged as the reason for the notice to end tenancy. The landlord did not file any documents into evidence and did not attend the hearing.

Without additional testimony and evidence to support the reasons for the notice to end tenancy, the landlord has not met the burden of proof and therefore I allow the tenant's application and set aside the landlord's notice to end tenancy.

Conclusion

The notice to end tenancy is set aside and the tenancy shall continue.

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: December 13, 2018

Residential Tenancy Branch