



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC, MT

### **Introduction:**

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy dated September 12, 2018.
- b. An order for more time to make this application.

The Landlord failed to appear at the scheduled start of the hearing which was 9:30 a.m. on December 6, 2018. The Tenant applicant was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the landlord to call in. The landlord failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The tenant was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was served on the Tenant by posting on September 12, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord November 1, 2018. With respect to each of the applicant's claims I find as follows:

### **Issues to be Decided:**

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one may Notice to End Tenancy dated September 12, 2018?
- b. Whether the tenant is entitled to an order for more time to make this application?

### **Background and Evidence:**

The tenancy began in September 2017. The tenancy agreement provided that the tenant(s) would pay rent of \$500 per month payable in advance on the first day of each month. The tenant(s) was not required to pay a security deposit.

Grounds for Termination:

The Notice to End Tenancy relies on the following grounds:

- Tenant is repeatedly late paying rent

Analysis:

I ordered that the tenant be granted more time to bring this application.

The landlord has the burden of proof to establish sufficient cause to end the tenancy. The landlord failed to appear and failed to submit any evidence. I determined the landlord has failed to present sufficient evidence to establish cause to end the tenancy.

Further, the tenant testified the rent for September, October and November 2018 has been paid to the landlord and he has accepted the payment unconditionally. I determined the landlord has reinstated the tenancy.

Determination and Orders:

As a result I ordered that the one month Notice to End Tenancy be cancelled. The tenancy shall continue with the rights and obligations of the parties remaining unchanged.

**This decision is final and binding on the parties.**

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 06, 2018

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Residential Tenancy Branch