



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on December 6, 2018, wherein the Tenant sought to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on December 4, 2018 (the "Notice").

The hearing was scheduled for 11:00 a.m. on January 3, 2019. Only the Tenant called into the hearing. She gave affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions to me.

The Landlord did not call into this hearing, although I left the teleconference hearing connection open until 11:10 a.m. Additionally, I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Tenant and I were the only ones who had called into this teleconference.

As the Landlord did not call in, I considered service of the Tenant's hearing package. The Tenant testified that she personally served the Landlord's Assistant Manager, S., with the Notice of Hearing and the Application on December 10, 2018. I accept the Tenant's undisputed testimony in this regard and find the Landlord was duly served as of December 10, 2018 and I proceeded with the hearing in their absence.

The Tenant also testified that she paid the outstanding rent by December 14, 2018 and that at that time S. informed her that the Landlord wished to continue with the tenancy.

Analysis and Conclusion

Residential Tenancy Branch Rules of Procedure—Rule 6.6 provides that when a tenant applies to cancel a notice to end tenancy the landlord must present their evidence first as it is the landlord who bears the burden of proving (on a balance of probabilities) the reasons for ending the tenancy. As the Landlord failed to call into the hearing to provide evidence in support of the Notice, I find the Landlord has failed to meet this burden. As such, the Tenant's Application to cancel the Notice is granted. The tenancy shall 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: January 03, 2019

Residential Tenancy Branch