



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction

This decision is in respect of the tenant's application for dispute resolution under the *Residential Tenancy Act* (the "Act"). The tenant seeks an order cancelling a One Month Notice to End Tenancy for Cause (the "Notice"), pursuant to section 47(4) of the Act.

A dispute resolution (arbitration) hearing was convened on January 17, 2019 and only the landlord attended.

### Issue to be Decided

Is the tenant entitled to an order cancelling the Notice?

### Background and Evidence

The hearing commenced at 11:00 A.M. on today's date. The landlord was present, but the tenant was not, and she did not call in for the hearing. The hearing concluded at 11:10 A.M.

I note that the tenant submitted a few pieces of documentary evidence, but as she did not attend the hearing to present the evidence, I cannot consider them. Further, neither party submitted a copy of the Notice, and as such, I cannot consider the Notice in respect of the issuing of any order of possession.

As I explained to the landlord during the hearing, the landlord has the legal right to pursue an order of possession under sections 47 and 55 of the Act.

Analysis

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim.

As the tenant failed to attend the hearing and present her case, or submit into evidence a copy of the Notice, she has failed to meet the onus on a balance of probabilities. Accordingly, I dismiss her application without leave to reapply.

Conclusion

I hereby dismiss the tenant's application without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: January 17, 2019

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Residential Tenancy Branch