



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FFL

Introduction

In this dispute, the landlord sought an order of possession on a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to sections 47 and 55 of the *Residential Tenancy Act* (the “Act”), and recovery of the filing fee pursuant to section 72 of the Act.

The landlord applied for dispute resolution on May 15, 2019 and a dispute resolution hearing was held on Friday, June 28, 2019 at 9:30 AM. The tenants and the tenants’ law student advocate attended the hearing. The landlord’s agent or representative did not attend the hearing, which ended at 9:40 AM.

Preliminary Issue: Non-Attendance of Applicant Landlord

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. In this case, as the landlord failed to attend the hearing and prove their case, I dismiss the landlord’s application without leave to reapply.

The Notice, which was purportedly issued or served on April 9, 2019—though I make no findings of fact or law that it was in fact served in compliance with the Act—is hereby cancelled and is of no force or effect. The tenancy will continue until it is ended in accordance with the Act.

As an aside, I commend the tenants’ legal advocate for his well-researched and well-prepared written submission made on behalf of his clients.

Except as otherwise provided in the Act, this decision is final and binding on the parties and is made on authority delegated to me under section 9.1 of the Act.

Dated: June 28, 2019

Residential Tenancy Branch