



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CARIBOO FRIENDSHIP SOCIETY and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was convened in response to an application by the tenant. The matter was set for hearing by telephone conference call at 9:30 a.m. on this date. The tenant applied to cancel a Notice to End tenancy for Cause. The line remained open while the phone system was monitored for the duration of the hearing of ten minutes and the only participant who called into the hearing during this time was an authorized representative of the tenant (the tenant). The tenant's representative stated that the landlord was personally served with the application and notice of hearing by registered mail service for which they provided a tracking number. I accepted the tenant's evidence regarding service.

Issue(s) to be Decided

Should the landlord's Notice to End for Cause be cancelled? If not,
Is the landlord entitled to an Order of Possession pursuant to Section 55 of the Act?

Background and Evidence

The tenant provided a 1 Month Notice to End Tenancy for Cause document dated March 27, 2019. The Notice is signed and dated and the issuer is stated. The Notice does not state a reason or any particulars in respect to the alleged cause for the Notice.

Analysis and Conclusion

It must further be noted that the Notice of this matter is fatally flawed for lack of compliance with Section 52 of the Act. But moreover, when a tenant applies to cancel a notice to end tenancy, the landlord has the burden of proof to establish the validity of

the notice. As the landlord did not attend the hearing to support their claim(s) for eviction I cancel the notice to end tenancy dated March 27, 2019, rendering it **null and of no effect**.

The tenant's application is granted.

This Decision is final and binding.

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: June 17, 2019

Residential Tenancy Branch