



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 June 13, 2019 and setting the end of tenancy for July 31, 2019.
- b. An order for more time to make this application.

The Landlord failed to appear at the scheduled start of the hearing which was 11:00 a.m. on August 19, 2019. 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 June 13, 2019. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlord carries on business on June 28, 2019. 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 month Notice to End Tenancy dated June 13, 2019?
- b. Whether the tenant is entitled to an order for more time to make this application?

Background and Evidence:

The tenancy began on March 2018. The tenancy agreement provided that the tenant(s) would pay rent of \$450 per month payable in advance on the first day of each month. The tenant(s) did not pay a security deposit.

Grounds for Termination:

The Notice to End Tenancy identifies the following grounds:

- Tenant or a person permitted on the property by the tenant has:
 - significantly interfered with or unreasonably disturbed another occupant or the landlord
- Tenant has engaged in illegal activity that has, or is likely to:
 - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

Analysis:

The agent for the tenant attempted to file the Application for Dispute Resolution within the required time period but was not able to do so because she did not have the Tenant's financial information to permit the Registry to grant a fee waiver. She returned a few days later and the Application for Dispute Resolution was filed. I determined the landlord was not prejudiced by this delay. The agent for the tenant was in communication with the landlord. I determined in the circumstances of this case exceptional circumstances and the tenant should be granted more time to make this application.

The landlord has the burden of proof to establish sufficient cause to end the tenancy. The landlord failed to attend the hearing and failed to provide evidence from other occupants or the landlord.

I determined that the landlord failed to establish sufficient cause to end the tenancy. As a result I ordered that the Notice to End Tenancy dated June 13, 2019 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: August 19, 2019

Residential Tenancy Branch