



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

On July 23, 2019, the Tenant submitted an Application for Dispute Resolution requesting to cancel a One Month Notice to End Tenancy for Cause dated July 19, 2019 (the One Month Notice).

This matter was set for hearing by telephone conference call at 9:30 AM on this date. The Tenant appeared at the hearing; however, the Landlord did not.

The Tenant testified that she served the Landlord with the Notice of Dispute Resolution Proceeding using registered mail sent on July 30, 2019.

The Tenant testified that in early August 2019, she notified that Landlord that she was cancelling the dispute hearing. The Tenant testified that she has also notified the Landlord that she is moving out of the rental unit.

The line remained open while the phone system was monitored for fifteen minutes and the Landlord did not call into the hearing during this time.

Analysis

Based on the affirmed testimony and evidence of the Tenant, I find that the Landlord was served with notice of the hearing in accordance with sections 89 and 90 of the Act.

The burden of proof that there is sufficient cause to end a tenancy rests with the Landlord. Since the Landlord failed to attend the hearing to provide direct testimony in support of the One Month Notice, the Notice is set aside.

The tenancy will 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: September 26, 2019

Residential Tenancy Branch