



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the one month Notice to End Tenancy that was served on him on July 31, 2019. Neither party provided a copy of that Notice to End Tenancy.

The Landlord failed to appear at the scheduled start of the hearing which was 11:00 p.m. on October 10, 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 landlord failed to provide any documents. The tenant was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses. After a few minutes of providing testimony the tenant's phone died and he failed to call back in.

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 one month Notice to End Tenancy was personally served on the Tenant on July 31, 2019. Further I find that the Application for Dispute and Resolution/Notice of Hearing was personally served agent for the landlord on or about August 19, 2019.

Issues to be Decided:

The issue to be decided is whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy that was served on him on July 31, 2019?

Background and Evidence:

The tenancy began on October 1, 2018. The tenancy agreement provided that the tenant(s) would pay rent of \$650 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$325 at the start of the tenancy. The tenant testified he continues to reside in the rental unit.

Grounds for Termination:

Neither party provided a copy of the Notice to End Tenancy. However the Application for Arbitration states:

“Sometime aprox. mid July 2019, i had a guest come to my residence for a short visit from midnight till about 2:30 am. According to my eviction notice, the guest i had over at my place was completly banned from entering and or visiting anyone that lives in this building. It is absolutley mandatory that any visitors have picture I.D of themselves and it be shown and given to whom ever be working the front desk. when my guest showed i.d the worker did not inform me they were banned nor did my guest.”

Analysis:

The Landlord has the burden of proof.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

The Landlord failed to appear and failed to present any evidence to establish grounds to end the tenancy. The tenant was present and ready to proceed. I ordered that the one month Notice to End Tenancy 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: October 10, 2019

Residential Tenancy Branch