



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding URBAN VISION HOUSING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing that dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the One Month Notice to End Tenancy for Cause (One Month Notice), pursuant to section 47.

The tenant attended at the date and time set for the hearing of this matter. The landlord did not attend this hearing, although I left the teleconference hearing connection open until 11:11 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the tenant and I were the only ones who had called into this teleconference.

As only the tenant attended the hearing, I asked the tenant to confirm that he had served the landlord with the Notice of Dispute Resolution Proceeding for this hearing. The tenant testified that he served the landlord the Notice of Dispute Resolution Proceeding package on August 30, 2019 in person at the address provided as the landlord's address for service on the One Month Notice. Based on the unchallenged testimony of the tenant, I find that the landlord was served in accordance with section 89 of the *Act*.

Issue(s) to be Decided

Should the One Month Notice be set aside? If not, should the landlord be entitled to an order of possession?

Background and Evidence

The tenant provided the following unchallenged testimony. The tenant testified that he disputes the grounds for the notice. The tenant testified that he has lived in the unit for five years and his neighbours have not had any issues with him. He is unaware of any calls being made to the police about him. The tenant testified that when he received the Notice he asked the landlord to provide him with video evidence of the claims, and he has not received any evidence.

Analysis

Section 47 of the *Act* provides that upon receipt of a Notice to End Tenancy for Cause the tenant may, within 10 days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. If the tenant files an application to dispute the notice, the landlord bears the burden to prove the grounds for issuing the Notice.

In this matter, the tenant confirmed that he was personally served the One Month Notice dated August 21, 2019 on that same date. The tenant filed an Application to dispute the Notice on August 30, 2019, which is within the 10-day time limit provided by section 47 of the *Act*.

As set out in the Residential Tenancy Branch Rules of Procedure 6.6 and as I explained to the tenant in the hearing, if the tenant files an application to dispute a notice to end tenancy, the landlord bears the burden, on a balance of probabilities, to prove the grounds for the notice and that the notice is on the approved form and compliant with section 52 of the *Act*.

Accordingly, in the absence of any testimony or evidence from the landlord, who bears the burden of proof in this matter, I find that the landlord has failed to prove the grounds for issuing the One Month Notice.

Therefore, the tenant's application is successful and the landlord's One Month Notice dated August 21, 2019 is cancelled and of no force or effect.

The tenancy will continue until ended in accordance with the *Act*.

Conclusion

The tenant was successful in his application to dispute the landlord's One Month Notice. I order that the One Month Notice to End Tenancy for Cause dated August 21, 2019 is cancelled and of no force or effect, and this tenancy shall continue until it is 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: October 25, 2019

Residential Tenancy Branch