



# Dispute Resolution Services

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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, MNDCT

### Introduction

In this dispute, the tenant sought to cancel a One Month Notice to End Tenancy for Cause, pursuant to section 47 of the *Residential Tenancy Act* (the "Act"). He also sought compensation in the amount of \$500.00, pursuant to section 67 of the Act.

The tenant applied for dispute resolution on February 19, 2020 and a dispute resolution hearing was held, by way of telephone conference, on April 9, 2020. The tenant's legal advocate attended the hearing, but the landlord did not. (The tenant was, after some difficulty dialing into the hearing, able to briefly attend.)

The tenant testified that the Notice of Dispute Resolution Proceeding package was served on the landlord's representative ("S") in-person on February 19, 2020. I find, based on the tenant's evidence, that the landlord was served in compliance with section 89 of the Act.

### Preliminary Issue: Non-Attendance of Landlord

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim. Where a tenant disputes a notice to end a tenancy it is the landlord who must prove the ground on which a notice was issued.

As the landlord did not attend the hearing, they have not established the ground on which the Notice was issued. Therefore, I cancel the Notice dated February 10, 2020; it is of no force or effect and the tenancy shall continue until it is ended in accordance with the Act.

Conclusion

The tenant's application to cancel the Notice is granted: I hereby order that the Notice is cancelled.

The tenant's application for compensation under section 67 of the Act is hereby dismissed, with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: April 9, 2020

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Residential Tenancy Branch