



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause.

The tenant attended the hearing, however the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the landlord joined the call. The tenant advised that the landlord was served with the application and notice of this hearing (the Hearing Package) on October 30, 2020 by registered mail and has provided a copy of a Registered Domestic Customer Receipt stamped with that date by Canada Post as well as a Canada Post cash register receipt bearing that date, and I am satisfied that the landlord has been served in accordance with the *Residential Tenancy Act*.

Where a tenant disputes a notice to end a tenancy given by a landlord, the onus is on the landlord to establish that it was given in accordance with the *Residential Tenancy Act*. Since the landlord has not attended the hearing, I cannot be satisfied that the Notice was given in accordance with the *Act*, and therefore I cancel it.

Conclusion

For the reasons set out above, the One Month Notice to End Tenancy For Cause dated October 10, 2020 is hereby cancelled and the tenancy continues.

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: January 08, 2021

Residential Tenancy Branch