



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC-MT, OPC, FFL

### Introduction

In the first application the tenant seeks to cancel a one month Notice to End Tenancy for cause dated and received October 14, 2020.

In the second application the landlord seeks an order of possession pursuant to that Notice and recovery of the filing fee paid for his application.

The respondent/applicant landlord did not attend for the hearing within 10 minutes after its scheduled start time at 9:30. on January 21, 2021. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the tenant and this arbitrator were the only ones who had called into this teleconference during that period.

The tenant testifies that he served the landlord with the Notice of Dispute Resolution Proceeding by registered mail in November, however he was unable to produce any receipt or tracking number.

The tenant denies receiving any notice of the landlord's application.

In the circumstances of this case, I find that it is most likely the landlord was served with the tenant's application. As it is unopposed, I grant the tenant an extension of time for serving the landlord with his application.

When a Notice to End Tenancy from a landlord has been challenged by a tenant, the initial burden is on the landlord to establish that there are good grounds for the Notice.

The non-attending landlord has failed to do so in this case and so I grant the tenant's application and cancel the one month Notice to End Tenancy for cause dated October 14, 2020.

The landlord's application is dismissed without leave to re-apply, as the Notice has been cancelled.

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 21, 2021

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Residential Tenancy Branch