



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants filed under the Residential Tenancy Act (the “Act”) to cancel a One Month Notice to End Tenancy for Cause (the “Notice”), issued on November 23, 2020.

The tenants attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenants testified the Application for Dispute Resolution and Notice of Hearing were served on the landlord’s agent JJ, in person on December 8, 2020, at the address noted in the Notice. I find that the landlord has been duly served in accordance with the Act.

In a case where a tenant has applied to cancel a Notice, Rule 7.18 of the Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the Notice.

This matter was set for hearing by telephone conference call at 9:30 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the tenants.

Since the no one attended for the landlord by 9:40 A.M, to provide any evidence in support of the Notice. I find the landlord has not met the burden of proof. Therefore, I find it appropriate to grant the tenants’ application to cancel the Notice. The Notice is cancelled and has no force or effect. The tenancy will continue until legally ended in accordance with the Act.

Conclusion

The tenants' application is granted.

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: February 19, 2021

Residential Tenancy Branch