



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Code: CNR

### Introduction

The tenant applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") pursuant to section 46 of the *Residential Tenancy Act* ("Act").

Only the tenant and her husband attended the teleconference hearing on April 16, 2021 at 1:30 PM. While we waited several minutes, the landlord did not dial in to the hearing. The tenant gave evidence that the landlord was served with the Notice of Dispute Resolution Proceeding package, in person, on or about January 22, 2021.

### Preliminary Issue: Non-Attendance of Landlord

Where a tenant disputes a notice to end a tenancy, the onus falls on the landlord to prove the reason (under the Act) why the notice was issued. 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.

As the landlord did not attend (and, there was some indication from the tenant that the landlord had essentially cancelled the Notice), the reason for the Notice being issued was not proven. Accordingly, I cancel the Notice. It is of no force or legal effect and the tenancy shall continue until it is ended in accordance with the Act.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: April 16, 2021

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Residential Tenancy Branch