



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on May 11, 2021. The Tenant applied to cancel a 1 Month Notice to End Tenancy, pursuant to the *Residential Tenancy Act* (the *Act*).

The Tenant attended the teleconference hearing, which lasted 10 minutes; however, the Landlord did not. The Tenant testified that he served the Landlord with his application package on February 26, 2021, by registered mail to the Landlord's residence. Proof of mailing was provided. Pursuant to section 88 and 90 of the *Act*, I find the Landlord is deemed to have received this package on March 3, 2021, the fifth day after its registered mailing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue to be Decided

- Should the Notice be cancelled?

### Background, Evidence, and Analysis

The Tenant stated that he received the Notice on January 30, 2021, for Cause. Several grounds were selected on the Notice.

In the matter before me, the Landlord who issued the Notice has the onus of proof to prove that the Notice is valid. I find that the Landlord was properly served with the Notice of Hearing and failed to attend the hearing to prove the allegation within the Notice.

Therefore, as the Landlord did not attend the hearing by 11:10 AM on May 11, 2021, I cancel the Notice, dated January 30, 2021.

I Order the tenancy to continue until ended in accordance with the Act.

### Conclusion

The Tenant's application is successful. The Notice issued by the Landlord dated January 30, 2021, is cancelled.

The tenancy will continue until ended in accordance with the Act.

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: May 11, 2021

---

Residential Tenancy Branch