



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NANAIMO AFFORDABLE HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Code: CNL

Introduction

The tenant sought an order to cancel a *Two Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit* (the “Notice”).

A dispute resolution hearing was held on June 1, 2021 at 9:30 AM. Only the tenant attended the hearing, which ended at 9:40 AM. The tenant gave evidence that they served a copy of the Notice of Dispute Resolution Proceeding on the landlord’s office, in person, on March 9, 2021. I find that the landlord was properly served.

Preliminary Issue: Non-Attendance of Landlord

Where a tenant applies to dispute a notice to end tenancy, the onus falls on the landlord to prove, on a balance of probabilities, the grounds, or reasons on which the notice to end tenancy were based. In this case, the landlord failed to attend the hearing to prove the reason for issuing the Notice. Thus, I do find that it is a valid notice to end tenancy.

Given the above, I hereby order that the Notice is cancelled, effective immediately. The Notice is of no legal force or effect and the tenancy will continue until ended in accordance with the Act.

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

Dated: June 1, 2021

Residential Tenancy Branch