



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FIRSTSERVICE RESIDENTIAL
and [tenant name suppressed to protect privacy]

DECISION

Dispute Code: CNC

Introduction

The tenant disputes a One Month Notice to End Tenancy for Cause (the "Notice"). A copy of the Notice was submitted into evidence by the tenant.

The tenant and a third party attended the hearing. The third party is the new resident manager for the property; a new landlord took over management of the property on August 1, 2021. The third party had little knowledge about the Notice and was not comfortable proceeding; he is not acting on behalf of the (now-former) landlord. No representative or agent for the landlord attended the hearing.

Preliminary Issue: Non-Attendance of Landlord and Cancellation of Notice

Where a tenant disputes a notice to end a tenancy, the onus is on the landlord to prove, on a balance of probabilities, the reasons why the notice was issued. In this case, as the landlord failed to attend the hearing to prove the grounds on which the Notice was supposedly given, it follows that the Notice must be ordered cancelled.

Accordingly, I grant the tenant's application. The Notice, which is dated, signed, and was served on April 6, 2021, is hereby cancelled, effective immediately. The tenancy shall continue until it is ended in accordance with the *Residential Tenancy Act*.

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

Dated: August 17, 2021

Residential Tenancy Branch