



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 tenant to cancel a One Month Notice to End Tenancy for Cause (the “Notice”), issued on May 13, 2021.

Both parties appeared.

Preliminary and Procedural Issues

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.

At the outset of the hearing the advocate for the tenant stated that the tenant only received page one of the Notice, and does not know what the reason was for ending the tenancy. I note page one provided by the tenant does not have a staple mark would normally be expected if three pages were attached.

The landlord’s agent stated that they have taken over this matter, and their file has a copy of the Notice, proof of service and supporting evidence. The landlord did not provide a copy of the Notice or any documentary evidence in support of the Notice for my review or consideration.

I cannot determine if a proper Notice was issued in compliance with section 52 of the Act, and I am not satisfied that the tenant received all three pages, which would provide the reason and details for ending the tenancy. I find the landlord have not met the burden of proof. I cannot consider the merits of the Notice when I have no

documentary evidence before me to review or consider. Therefore, I grant the tenant's application and the Notice is cancelled and has no force or effect.

Conclusion

The tenant's application to cancel the Notice 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: September 24, 2021

Residential Tenancy Branch