



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1097373 BC LTD. DISCOVERY
VILLAGE and [tenant name suppressed to protect privacy]

DECISION

Dispute Code: CNC

Introduction

The tenant applied to dispute a One Month Notice to End Tenancy for Cause (the "Notice") pursuant to section 47(4) of the *Residential Tenancy Act* ("Act").

The tenant and her advocate attended the hearing. No one attending on behalf of the landlord appeared. The tenant's advocate read into evidence the Canada Post registered mail tracking number associated with the tenant's Notice of Dispute Resolution Proceeding ("NDR". The NDR was mailed to the landlord and was received on July 16, 2021. Based on this evidence I find that the landlord was served in compliance with the Act, was aware of the hearing, and chose not to attend.

Preliminary Issue: Non-Attendance of Landlord

Where a tenant disputes a notice to end tenancy issued by a landlord, the onus is on the landlord to prove, on a balance of probabilities, the reason why that notice was given. In this hearing, as the landlord did not attend the hearing to prove the reason for the Notice being given, they have not met their onus.

Given the above, the tenant's application for an order cancelling the Notice is granted. The Notice, signed by the landlord's agent D.S. on June 9, 2021, is hereby cancelled effective immediately. The tenancy shall continue.

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

Dated: October 18, 2021

Residential Tenancy Branch