



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 October 14, 2021 at 11:00 am. The Tenant applied for the following remedy, pursuant to the *Residential Tenancy Act* (the Act):

- cancellation of the Landlord's 1 Month Notice pursuant to section 47 (the Notice).

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant testified that he sent the Notice of Hearing to the Landlord's address for service, as listed on the Notice, by registered mail on June 14, 2021. Proof of mailing was provided into evidence. Pursuant to section 89 and 90 of the Act, I find the Landlord is deemed served with the package 5 days after it was mailed, on June 19, 2021.

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 is looking to have the Landlord's Notice cancelled because he does not believe it is valid.

The Tenant provided a copy of the Notice into evidence, which shows that it was issued under several grounds, and was dated May 31, 2021.

In the matter before me, the Landlord 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 October 14, 2021, I cancel the Notice, dated May 31, 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 May 31, 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: October 14, 2021

Residential Tenancy Branch