



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management Inc and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC MT FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on December 20, 2021, at 11:00 am. The Tenant applied to cancel a 1 Month Notice to End Tenancy for Cause (the Notice), pursuant to the *Residential Tenancy Act* (the Act).

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant provided affirmed testimony at the hearing.

The Tenant testified that she sent her application and Notice of Hearing to the Landlord on September 2, 2021, by registered mail. Proof of mailing was provided. Pursuant to section 89 and 90 of the Act, I find the Landlord received this package on September 7, 2021, the fifth day after its registered mailing.

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 provided a copy of the Notice, which she received on July 22, 2021, for breach of a material term of the tenancy agreement. The Tenant disputed this Notice and today's hearing was scheduled.

In the matter before me, the Landlord has the onus 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, I cancel the Notice, dated July 22, 2021.

I Order the tenancy to continue until ended in accordance with the Act.

As the Tenant was substantially successful with her application, I grant her the recovery of the filing fee against the Landlord. The Tenant may deduct the amount of \$100.00 from 1 (one) future rent payment.

Conclusion

The Tenant's application is successful. The Notice issued by the Landlord dated July 22, 2021, is cancelled.

The Tenant may deduct the amount of \$100.00 from 1 (one) future rent payment.

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: December 20, 2021

Residential Tenancy Branch