



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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").

Procedural Issue: Service

The tenant and her son attended the hearing, but the respondent landlord did not. In such cases where a respondent does not attend, I must be satisfied that the respondent was properly served with the Notice of Dispute Resolution Proceeding. Such service must comply with the Act and the Residential Tenancy Branch's Rules of Procedure, and there must be evidence to support a finding that such service in fact occurred.

The tenant's son testified he served the Notice of Dispute Resolution Proceeding by both placing on the door of the landlord's office as well as providing the landlord with a USB stick containing the evidence.

Given the evidence before me, it is my finding that the landlord was appropriately served with the Notice of Dispute Resolution Proceeding and documentary evidence necessary for them to participate fully in these proceedings.

Preliminary Issue: Non-Attendance of Landlord

In an application where a tenant disputes a notice to end tenancy, the onus is on the landlord to prove the grounds, or reasons, as to why the notice to end tenancy was given. In this hearing, as that the landlord did not attend to prove the reasons listed on the Notice (a copy of which is in evidence), it is my finding that the Notice must be cancelled. It is of no force or legal effect and the tenancy must continue until ended in accordance with the Act.

Conclusion

The tenant's application is granted.

The Notice, which was served on August 26, 2021, is hereby cancelled. The tenancy shall continue until it is ended in accordance with the Act.

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

Dated: January 24, 2022

Residential Tenancy Branch