



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a tenancy. In this application for dispute resolution, the Tenant applied on February 9, 2022 for an order to cancel a One Month Notice to End Tenancy, dated February 2, 2022 (the One Month Notice).

The Tenant attended the hearing; the Landlord did not. The Tenant was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses; she was made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The Tenant testified she served her Notice of Dispute Resolution Proceeding and evidence on the Landlord in person on February 15, 2022. The Tenant testified that when she served the documents, a human resources employee was present, as well as the Landlord named in this dispute. I accept the Tenant's undisputed affirmed testimony on service, and find the Tenant served the Landlord in accordance with section 89 of the Act.

Preliminary Matter

Residential Tenancy Branch Rule of Procedure 6.6 states:

6.6 The standard of proof and onus of proof

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed.

The onus to prove their case is on the person making the claim. In most circumstances this is the person making the application. However, in some situations the arbitrator may determine the onus of proof is on the other party. For example, the landlord must prove the reason they wish to end the tenancy when the tenant applies to cancel a Notice to End Tenancy.

As the Landlord did not attend the hearing to prove the grounds on which the Notice was issued, I cancel the One Month Notice and find that the tenancy will continue until it is ended in accordance with the Act.

Conclusion

The Tenant's application is granted. The tenancy will continue until it is 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: May 16, 2022

Residential Tenancy Branch