



# 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

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the “Act”), to cancel One Month Notice to End Tenancy for Cause, (the “Notice”) issued on February 24, 2022.

### Preliminary and Procedural Issues

The tenant and the tenant’s advocate attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant’s advocate stated the Application for Dispute Resolution and Notice of Hearing were sent by registered mail on March 11, 2022, and successfully delivered to the landlord on March 14, 2022. A Canada post tracking number was provided as evidence of service. I have noted the tracking number on the covering page of this decision.

I find that the landlord was served on March 14, 2022, in accordance with the Act.

In a case where a tenant has applied to cancel a Notice, Rule 11.1 of the Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the Notice.

This matter was set for hearing by telephone conference call at 9:30 A.M. on this date. The line remained open while the phone system was monitored for twelve minutes and

the only participant who called into the hearing during this time was the tenant and the tenant's advocate.

Since the landlord did not attend the hearing by 9:42 A.M to present any evidence or submission in support of the Notice, and the burden is on the landlord to prove the Notice was issued for the reasons stated. I find that the landlord has failed to show cause to end the tenancy.

Therefore, I grant the tenant's application to cancel the Notice. The tenancy will continue until legally ended in accordance with the Act.

### Conclusion

The tenant's application to cancel the Notice is granted. The tenancy will continue until legally 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: June 16, 2022

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Residential Tenancy Branch