



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC

Introduction

This hearing dealt with the tenant's applications pursuant to the *Residential Tenancy Act* (the Act) for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

These files were scheduled for a conference call at 11:00 a.m. on this date. The tenant and his advocate participated in the teleconference, the landlord did not. The tenant filed two separate applications but, advised that he had not served the Notice of Dispute or Application for file 910065390 regarding the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, accordingly; I dismiss that application with leave to reapply. Leave to reapply is not an extension of any applicable legislated timelines. The tenant's agent gave testimony and provided documentation that the landlord was served with the Notice of Hearing, Application, and evidence for file 110067189 by registered mail on March 29, 2022. I find that the tenant has acted in accordance with section 89 of the Act in serving the landlord and find that pursuant to section 90 of the Act, the landlord was deemed served five days later on April 3, 2022. The hearing proceeded in the absence of the landlord.

Background and Evidence

The tenant disputes the claims made by the landlord and wishes to remain. The tenant has filed an application disputing the One Month Notice to End Tenancy for Cause dated March 19, 2022 for repeated late rent.

Analysis

When a landlord issues a notice pursuant to section 47 of the Act, they bear the responsibility to provide sufficient evidence to support the issuance of the notice. As the landlord has not participated in the teleconference or submitted any documentation, I hereby cancel the One Month Notice to End Tenancy for Cause dated March 19, 2022, it is of no effect or force.

Conclusion

The One Month Notice to End Tenancy for Cause is cancelled, the tenancy continues.

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 21, 2022

Residential Tenancy Branch