



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC 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 November 21, 2022. The Tenant applied for the following remedy, pursuant to the *Residential Tenancy Act* (the *Act*):

- cancellation of the Landlord's 1 Month Notice pursuant to section 47 (the Notice).

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant testified that she sent her Notice of Dispute Resolution Proceeding and evidence by registered mail on July 19, 2022. Proof of mailing was provided into evidence. I am satisfied the Landlord has been sufficiently served with the application package and the Notice of Hearing, and I find they are deemed served 5 days after it was sent by mail.

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 stated that she received the Notice on June 28, 2022. The Notice indicated several grounds for ending the tenancy.

In the matter before me, the Landlord has the onus of proof 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 9:40 am, on November 21, 2022, I cancel the Notice, dated June 28, 2022.

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

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. As the Tenant was successful in the application, I order the Landlord to repay the \$100.00 fee that the Tenant paid to make application for dispute resolution. The Tenant may deduct the amount of \$100.00 from one future rent payment.

Conclusion

The Tenant's application is successful. The Notice issued by the Landlord is cancelled.

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: November 22, 2022

Residential Tenancy Branch