



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code CNC, FFT

This hearing was convened as a result of the Tenant's Application for Dispute Resolution made on August 30, 2022. The Tenant applied for an order cancelling a One Month Notice to End Tenancy for Cause dated August 30, 2022 (the One Month Notice) and to recover the filing fee, pursuant to the Residential Tenancy Act (the Act).

The Tenant attended the hearing and was accompanied by her father, NC. Both the Tenant and NC provided a solemn affirmation at the beginning of the hearing. The Landlord did not attend the hearing.

The Tenant testified that the Notice of Dispute Resolution Proceeding package was served on the Landlord in person on September 16, 2022, and that service in this manner was witnessed by her mother. Considering the undisputed and affirmed testimony of the Tenant, and as the Landlord uploaded evidence to the Residential Tenancy Branch Dispute Management System on or about October 21, 2022, I find it is more likely than not that the Landlord was served with and received these documents on September 16, 2022.

Rule of Procedure 6.6 confirms that when a tenant applies to cancel a notice to end tenancy, the onus rests with the landlord to provide proof of the reasons for ending the tenancy. In this case, the Landlord did not attend the hearing at the appointed date and time to provide evidence in support of the One Month Notice. Therefore, I find the One Month Notice is cancelled and is of no force or effect. The tenancy will continue until otherwise ended in accordance with the Act.

As the Tenant has been successful, I find she is entitled to recover the \$100.00 filing fee paid to make the application. I order that this amount may be deducted from a future rent payment at the Tenant's discretion.

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 1, 2022

Residential Tenancy Branch