



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing

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DECISION

Dispute Code: CNC

Introduction

The Tenant seeks an order cancelling a One Month Notice to End Tenancy for Cause (the "Notice") pursuant to section 47 of the *Residential Tenancy Act* (the "Act").

Preliminary Issue: Service of Notice of Dispute Resolution Proceeding

The Tenant's advocate testified (and the Tenant confirmed) that the Notice of Dispute Resolution Proceeding was sent to the Landlord by registered mail on October 26, 2022. Based on this, I conclude that the Landlord was properly served under the Act,

Issue

Is the Tenant entitled to an order cancelling the Notice?

Background and Evidence

The Tenant was served in person with the Notice October 12, 2022. A copy of the Notice was not submitted into evidence, but the advocate testified that the Notice was signed and dated on October 12, 2022. The Tenant filed their application for dispute resolution on October 14, 2022.

Analysis

When a tenant disputes a notice to end a tenancy, the burden of proof rests on the landlord who issued the notice to prove the legal basis for giving the notice to end the tenancy.

In this dispute, the Landlord did not attend the hearing to prove the reason for giving the notice. Thus, the Tenant is entitled to an order that cancels the Notice.

Thus, it is ordered that the Notice, dated and served on October 12, 2022, be cancelled immediately. The tenancy continues until it is terminated in accordance with the Act.

Conclusion

The application is hereby GRANTED and the One Month Notice to End Tenancy for Cause dated October 12, 2022 is cancelled.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: February 24, 2023

Residential Tenancy Branch