



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 10, the landlord did not participate in the conference call hearing.

Issues(s) to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenant was served with a one month notice to end tenancy (the "Notice") on October 31, 2009 and applied to dispute the Notice on November 10, 2009.

Analysis

I find that the tenant applied to dispute the Notice within the 10-day timeframe prescribed by the statute. The landlord bears the burden of proving that he has grounds to end the tenancy. Because the landlord did not appear at the hearing to present evidence to support the Notice, I find that the landlord has not met his burden. Accordingly I order that the Notice be set aside and of no force or effect.

Conclusion

The Notice is set aside. As a result, this tenancy will continue.

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: December 16, 2009
