



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **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.

The hearing was originally scheduled to take place on February 17, 2011. The tenant did not participate in the hearing on that date and the landlord was granted an order of possession. The tenant successfully reviewed the decision, a new hearing was ordered and notices of hearing were sent to the parties by the Residential Tenancy Branch advising of the time and date of the new hearing. The February 17 decision was suspended until the new hearing took place.

I was satisfied that the landlord had notice of the new hearing and the hearing proceeded in its absence.

### Issue to be Decided

Should the notice to end tenancy be set aside?

### Background and Evidence

The tenant gave evidence that on February 3, 2011 he was served with a one month notice to end tenancy for cause.

### Analysis

The landlord bears the burden of proving that there are grounds to end the tenancy. As the landlord did not participate in the hearing to present evidence, I find that the landlord has failed to meet this burden. Accordingly I order that the notice to end tenancy dated February 3, 2011 be set aside and of no force or effect. I further order that the decision and order dated February 17, 2011 be set aside and of no force or effect. The February 17 decision is replaced with this decision.

Conclusion

The notice to end tenancy is set aside.

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: March 30, 2011

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Residential Tenancy Branch