



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LAURELWOOD VENTURES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application filed December 05, 2013 by the tenant to cancel a Notice to End Tenancy for Cause (the Notice), dated November 27, 2013.

I accept the tenant's evidence that despite the landlord having been served with the application for dispute resolution and notice of hearing by registered mail service sent on December 06, 2013, in accordance with Section 89 of the Residential Tenancy Act (the Act), the landlord did not participate in the conference call hearing. The tenant testified they sent the registered mail to the address for service indicated by the landlord on the Notice to End at issue. The tenant also provided the on line tracking number for the registered mail which they testified indicates the mail was not claimed.

The tenant was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Should the Notice to End dated November 27, 2013 be set aside?

Background and Evidence

The landlord did not appear in the hearing to defend their reasons respecting the Notice to End, nor to request an Order of Possession. The tenant disputes the landlord's Notice

Analysis

In this type of matter the application is one in which the tenant disputes the landlord's reasons for issuing the Notice to End and the onus is on the landlord to prove they issued a valid Notice to End. As I have found the landlord was provided proper notice

of this matter and did not make an appearance to respond to or defend their reasons respecting the Notice to End, **I Order** the Notice to End dated November 07, 2013 is **cancelled**, or set aside. If necessary, the landlord is at liberty to issue another new Notice to End for *valid* reasons.

Conclusion

The tenant's application is granted. The landlord's Notice to End is **set aside and is of no effect**. The tenancy continues.

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: January 06, 2014

Residential Tenancy Branch

