



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes CNC

This was an application by the tenant for an order setting aside a 1 Month Notice to End Tenancy for Cause. The hearing was originally set for November 3, 2016 at 9:00 am.

For the reasons set out in the Interim Decision dated November 3, 2016, the hearing was adjourned to November 24, 2016, at 1:00 pm; a date and time the landlord said was convenient to her. The parties were given leave to serve and file additional written evidence on or before November 16, 2016, which the landlord did.

The hearing commenced at 9:00 am on November 24, 2016, as scheduled. The tenant and his advocate appeared; the landlord did not.

On an application such as this the onus of proof is on the landlord to show, on a balance of probabilities, that the tenant was served with a notice to end tenancy in the prescribed form as well as the facts upon which the notice is based.

Not only did the landlord not appear at the hearing she had not filed a copy of the notice to end tenancy that was served on the tenant in either evidence package submitted to the Residential Tenancy Branch by her.

As the landlord did not meet the onus of proof on her the tenant's application was granted and the hearing closed at 1:11 pm.

The tenancy continues until ended in accordance with the legislation.

As the tenant did not pay a fee to file this application no further order is required.

*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 24, 2016

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Residential Tenancy Branch

