



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC

Introduction

On April 19, 2018, the Tenant applied for a dispute resolution proceeding seeking to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to section 47 of the Act.

At the start of the hearing, I confirmed that the Tenant attended the hearing on her own behalf. The Landlord did not appear at all during the 29-minute hearing. The Tenant provided a solemn affirmation.

The Tenant confirmed that she served the Landlord the Notice of Hearing package by registered mail on April 26, 2018. She was unable to find her registered mail receipt; however, she provided affirmed oral testimony that she served in this manner to the Landlord's address for service on the Notice. Based on this oral testimony, and in accordance with sections 89 and 90 of the Act, I am satisfied that the Landlord was served with the Notice of Hearing package.

I have reviewed all oral and written submissions before me; however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

- Is the Tenant entitled to have the Notice cancelled?

Analysis

I find it important to note that the burden of proof to justify ending the tenancy when a Notice is served is on the Landlord. As I am satisfied that the Landlord was properly served the Notice of Hearing package in accordance with the Act, and as the Landlord has failed to appear at the hearing, I find it necessary to cancel the Notice.

Conclusion

Based on the above, I hereby order that the One Month Notice to End Tenancy for Cause of April 9, 2018 to be cancelled and of no force or effect.

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: May 22, 2018

Residential Tenancy Branch