

DECISION

Dispute Codes: CNC, FF

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause. Despite having being served with the notice of hearing and application for dispute resolution in person on September 4, 2008, the landlord did not participate in the conference call.

During the hearing, the tenant asked to amend his application to include an application to allow him to reduce the rent for repairs, services or facilities agreed upon but not provided. I am disallowing the tenant's request in this regard as he must make a new and separate application and serve proper notice to the landlord for a hearing of this issue.

On September 1, 2008, the landlord gave the tenant a one month notice to end tenancy for the cause, citing that the tenant has caused extraordinary damage to the unit.

During the hearing, the tenant gave extensive testimony regarding the unsatisfactory conditions of the unit when he began the tenancy and how these conditions have persisted without being unattended to by the landlord. The landlord was not present to either present her reasons for giving such a notice or to dispute the tenant's testimony.

I therefore cancel the landlord's notice to end tenancy dated September 1, 2008 and the tenancy is to continue. The tenant is entitled to recovery of the \$50.00 filing fee, which he may deduct for the next month's rent.

Dated September 30, 2008.