



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## Decision

**Dispute Codes:** CNC

### **Introduction**

This hearing dealt with the tenant's application for cancellation of the landlord's 1 month notice to end tenancy for cause. The tenant participated in the hearing and gave affirmed testimony. Despite being served in person with the application for dispute resolution and notice of hearing, the landlord did not appear.

### **Issue to be decided**

- Whether the tenant is entitled to cancellation of the 1 month notice to end tenancy for cause

### **Background and Evidence**

There is no written tenancy agreement in evidence for this tenancy which began approximately three years ago. Monthly pad rental in the amount of \$360.00 is payable on the first day of the month.

The landlord issued a 1 month notice to end tenancy for cause dated May 29, 2009. A copy of the notice was submitted into evidence. The date shown on the notice by when the tenant must vacate is June 30, 2009. Reasons shown on the notice for its issuance are as follows:

Tenant has not done required repairs of damage to the unit / site

Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so

## **Analysis**

Based on the documentary evidence and undisputed testimony of the tenant, I find that the tenant was served with a 1 month notice to end tenancy for cause dated May 29, 2009. The tenant filed an application to dispute the notice on June 5, 2009, which is within 10 days after his receipt of the notice. In the absence of any testimony or documentary evidence from the landlord, I hereby cancel the landlord's notice, with the result that the tenancy continues in full force and effect.

For information, the attention of the parties is drawn to section 13 of the Act.

Specifically, section 13(1) of the Act states:

13(1) A landlord must prepare in writing every tenancy agreement entered into on or after January 1, 2004.

The full text of the Act, fact sheets, forms and more can be accessed via the website:

[www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

## **Conclusion**

The landlord's 1 month notice to end tenancy for cause is cancelled. The tenancy continues in full force and effect.

DATE: July 21, 2009

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Dispute Resolution Officer