

DECISION

Dispute Codes: CNC and RP

Introduction

This application was brought by the tenant seeking to have set aside a Notice to End Tenancy for cause served on January 2, 2010. The tenant had also sought an order for repair with respect to a problem with heat, but noted that matter had been resolved and withdrew that part of the claim. The landlord did not appear.

The tenant also gave evidence that the notice had been served by another tenant who had represented himself as the building manager but who refused service of the Notice of Hearing. The tenant stated that the landlord had arrived at the rental building on January 15, 2010 from out of town and when he was served with the Notice of Hearing, he stated that he had not issued a Notice to End Tenancy and that the other tenant was not authorized to do so.

Therefore, I hereby order that the Notice to End Tenancy of January 2, 2010 is of no force or effect and the tenancy continues.

February 17, 2010