

DECISION

Dispute Codes: CNC

Introduction

This application, brought by the tenant seeking to have set aside a one-month Notice to End Tenancy for cause served in person on November 30, 2009, was originally heard on January 19, 2010.

As the tenant did not participate, her application was dismissed and the landlord was granted an Order of Possession under section 55(1)(a) of the *Act*. However, by application of January 26, 2010, the tenant sought and was granted the present Review Hearing on the grounds that the tenant had encountered a technical problem with the telephone conference call system that prevented her participation.

When the Review Hearing convened, the landlord did not call in to the number provided to enable his participation in the telephone conference call hearing.

Issue(s) to be Decided

This matter again requires a decision on whether the Notice to End Tenancy of November 30, 2010 should be upheld or set aside.

Background and Evidence

This tenancy began May 1, 2009. Rent is \$602 per month and the landlord holds a security deposit of \$301 paid on April 29, 2009.

During the hearing, the tenant gave evidence that she believed the initial notice had been served on the basis of a misapprehension that her daughter who visits to assist her had been living in the rental unit. In addition, she had exchanged words with another tenant after he had made what she believed to be a derogatory racial allusion. She said there have been no further incidents in the intervening time.

Analysis

In the absence of the landlord to substantiate the cause that led to the issuance of the Notice to End Tenancy, I find that the notice must be set aside.

Conclusion

The Notice to End Tenancy of November 30, 2009 is set aside, the Order of Possession granted on January 19, 2010 is hereby rescinded and the tenancy continues.

March 19, 2010