

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking to cancel a one month Notice to End Tenancy for causes alleged by the Landlord and to recover the filing fee for the Application.

The Tenant served the Landlord with his Application for Dispute Resolution and the Notice of Hearing by registered mail, sent on March 9, 2010. The Act states that documents sent by registered mail are deemed served five days later. The Tenant checked the tracking of the mail and says it indicates the Landlord received the registered mail on March 10, 2010. Despite this the Landlord did not appear at the hearing. I find the Landlord has been served in accordance with the Act.

The Tenant appeared, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

### Issues(s) to be Decided

Should the Notice to End Tenancy be cancelled?

### Background and Evidence

The Tenant was served with the one month Notice to End Tenancy on March 3, 2010. The effective date of the Notice to End Tenancy was April 3, 2010. The Tenant filed this Application on March 5, 2010, within the required time limit under the Act.

The Landlord did not appear at the hearing and did not submit any evidence.

### Analysis

Based on the foregoing, the evidence and testimony, and on a balance of probabilities, I find that the Notice to End Tenancy should be **cancelled**, as there was insufficient evidence from the Landlord to support the Notice.

**Therefore, I order that the Notice to End Tenancy is cancelled and it is of no force or effect.**

The Tenant is entitled to recover the filing fee for the Application, and I order that the Tenant may deduct \$50.00 from one month of rent.

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: April 21, 2010.

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Dispute Resolution Officer