



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call to deal with the tenants' application to cancel a notice to end tenancy. Despite being served with the Tenant's Application for Dispute Resolution and the notice of hearing documents personally to an agent of the landlord on March 31, 2010, the landlord did not have an agent attend the hearing.

Issues(s) to be Decided

Should the notice to end tenancy be cancelled?

Background and Evidence

This month-to-month tenancy began on July 5, 2009, and the tenants still reside in the unit. Rent in the amount of \$450.00 is payable on the 1st of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$200.00.

The tenant testified that on March 23, 2010 he was personally served with a 1 Month Notice to End Tenancy for Cause which stated that the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord, and that the tenant has engaged in illegal activity that has, or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

The landlord did not attend the hearing to dispute the application by the tenants, however, did submit written evidence in advance of the hearing. That evidence consisted of letters from other tenants, who were not available and subject to cross examination by the tenants.

Analysis

I am satisfied by the evidence presented that the landlord company was properly served with the Tenants' Application for Dispute Resolution and notice of hearing documents. The landlord did not attend the hearing to dispute the application of the tenants.

Conclusion

The Notice to End Tenancy is hereby cancelled.

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: May 31, 2010.

Dispute Resolution Officer