



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION & ORDER**

Dispute Codes      CNC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant requesting that a one month Notice to End Tenancy issued by the Landlords be cancelled, and to recover the filing fee for the Application.

An Advocate for the Tenant appeared, was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Advocate explained that the Landlords had been served with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent on May 6, 2010, and deemed under the Act to be served five days later. Despite this the Landlords did not appear at the hearing. I find that the Landlords have been served in accordance with the Act.

### Issues(s) to be Decided

Should the one month Notice to End Tenancy be cancelled?

### Background and Evidence

On April 27, 2010, the Landlords served the Tenant a one month Notice to End Tenancy for cause, alleging that the Tenant has caused extraordinary damage to the rental unit. The effective date of the Notice was May 30, 2010.

The Landlords did not submit evidence in support of the Notice for the hearing. The Landlords did not appear at the hearing to testify.

### Analysis

Based on the foregoing, the testimony and evidence, and on a balance of probabilities, I find that there is insufficient evidence to support the one month Notice to End Tenancy.

Therefore, **I order that the Notice to End Tenancy issued on April 27, 2010, is hereby cancelled and is of no force or effect.** The tenancy will continue until ended in accordance with the Act.

As the Tenant has been successful in the Application, I allow him to recover the \$50.00 filing fee by deducting the sum of \$50.00 from one rent payment.

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: June 18, 2010.

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Dispute Resolution Officer