

DECISION

Dispute Codes:

CNC

Introduction

The tenant submitted an Application to cancel a 1 Month Notice ending tenancy for cause issued on April 13, 2010 and to recover filing fees for the cost of the Application.

The tenant provided affirmed testimony that on the morning of April 20, 2010; she personally served the landlord's property supervisor at the rental unit office. The tenant served the evidence on May 27, 2010, by leaving it in the landlord's mail box at the rental unit.

These documents are deemed to have been served in accordance with section 89 of the Act; however the landlord did not appear at the hearing.

Issue(s) to be Decided

Should the Notice ending tenancy for cause issued on April 13, 2010, be cancelled?

Analysis

As the landlord did not attend this hearing in support of the Notice issued to the tenant, I find, in the absence of any evidence establishing grounds to end this tenancy, that the Notice issued on April 13, 2010, is of no force or effect.

This tenancy will continue until it is ended as provided by the Act.

I find, pursuant to section 72(1) of the Act, that the tenant is entitled to filing fee costs and that she may deduct \$50.00 from the next month's rent due.

Conclusion

The Notice ending tenancy for cause issued on April 13, 2010, is of no force or effect and this tenancy will continue until it is ended as provided by the Act.

The tenant will deduct the \$50.00 filing fee cost from the next month's rent owed.

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 04, 2010.

Dispute Resolution Officer