

## **DECISION**

### **Dispute Codes:**

CNC

### **Introduction**

The male tenant provided affirmed testimony that on April 26, 2010, copies of the Application for Dispute Resolution and Notice of Hearing were personally served to the landlords at their residential address, the upstairs suite in the house where the tenants reside. Service occurred at approximately 3 p.m.

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

### **Issue(s) to be Decided**

Should the 1 Month Notice ending Tenancy for Cause issued on April 16, 2010, be cancelled?

### **Background and Evidence**

The tenants submitted a tenancy agreement that indicates the tenancy commenced on October 15, 2009, that it was a 6 month fixed-term and has now converted to a month-to-month tenancy.

The Notice was issued alleging the tenants seriously jeopardized the health or safety or lawful right of another occupant or the landlord and that the tenants had engaged in illegal activity that has adversely affected the quiet enjoyment, security, safety or physical well-being of the landlord.

### **Analysis**

The landlord did not attend this hearing in support of the Notice issued and did not submit any evidence.

As the landlord has failed to attend this hearing in support of the Notice issued, I find that the Notice is cancelled and of no force or effect. The tenancy will continue until it is ended as provided by the Act.

I find that the tenants are entitled to filing fee costs and that \$50.00 may be deducted from the next month's owed.

Conclusion

The 1 Month Notice Ending Tenancy for Cause issued on April 16, 2010, is cancelled and of no force or effect.

The tenants will deduct the \$50.00 filing fee 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 10, 2010.

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Dispute Resolution Officer