



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 this date to deal with the tenant's application to cancel a notice to end tenancy.

Despite being served with the Tenant's Application for Dispute Resolution and notice of hearing documents by registered mail, the landlord did not attend the conference call hearing. The tenant attended the hearing and gave affirmed evidence.

Issues(s) to be Decided

Is the tenant entitled to an order cancelling a notice to end tenancy?

Background and Evidence

The tenant testified that he was served on August 27, 2010 with a 1 Month Notice to End Tenancy for Cause which stated that the tenant had engaged in illegal activity and contained an expected vacancy date of September 25, 2010. The tenant further testified that he has not engaged in any illegal activity, and the notice should be cancelled.

The tenant further testified that he applied for dispute resolution on August 31, 2010 and served the landlord by registered mail on September 2, 2010, and provided the registration item number at the hearing.

Analysis

I find that the tenant has disputed the notice to end tenancy within the 10 days required under the *Act*, and that the tenant has served the landlord with the Tenant's Application for Dispute Resolution and notice of hearing documents in accordance with the *Act*. The landlord did not attend the hearing to request an Order of Possession or to provide evidence that would support the notice.

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: October 12, 2010.

Dispute Resolution Officer