



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, PSF, FF

Introduction

This hearing dealt with an application by the tenants for an order setting aside a notice to end this tenancy, an order that the landlord provide services or facilities required by law and the return of the filing fee paid to bring this application. The tenants testified that on or about November 12 they personally served the landlord with the application for dispute resolution and notice of hearing. I found that the landlord had been properly served with notice of the claim against her and the hearing proceeded in her absence.

Issues to be Decided

Should the notice to end tenancy be set aside?

Should the landlord be ordered to provide services or facilities?

Background and Evidence

The tenants testified that on or about November 4 they were served with a one month notice to end tenancy for cause. The tenants further testified that by indicating that they wanted an order for the landlord to provide services or facilities, they meant that they wanted to know whether the landlord had to provide 24 hours written notices prior to entering their rental unit.

Analysis

The landlord bears the burden of proving that there are grounds to end the tenancy. In the absence of the landlord or any evidence from her, I find that the landlord has failed

to meet that burden. Accordingly I order that the notice to end tenancy dated November 4 be set aside and of no force or effect. As a result the tenancy will continue.

As for the request for an order that the landlord provide services or facilities, there is no evidence that the landlord has failed to provide services or facilities and therefore this claim must be dismissed. However, I remind the landlord that except in an emergency situation, section 29 of the Act requires the landlord to give 24 hours written notice to the tenants of any entry.

The tenants are entitled to recover the filing fee paid to bring this application and may deduct \$50.00 from future rent owed to the landlord.

Conclusion

The notice to end tenancy is set aside and the tenants may deduct \$50.00 from a future rental payment.

Dated: December 03, 2010

Dispute Resolution Officer