

## **DECISION**

Dispute Codes      CNC, FF

### **Introduction**

This hearing dealt with the tenant's application pursuant to section 47 of the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause and for authorization to recover her filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. Both parties agreed that the tenant handed the landlord a copy of her dispute resolution hearing package on December 23, 2010. I am satisfied that the tenant served the dispute resolution hearing package and a copy of her evidence in accordance with the *Act*.

Although the landlord said that he handed the tenant a 1 Month Notice to End Tenancy for Cause on December 16, 2010, he did not provide a copy of this notice nor any written evidence to the Residential Tenancy Branch. The landlord testified that he had reviewed the tenant's evidence and said that he was no longer pursuing a cancellation of this tenancy for cause.

### **Conclusion**

Based on the landlord's testimony, I allow the tenant's application. I set aside the landlord's 1 Month Notice to End Tenancy for Cause with the effect that this tenancy shall continue.

I allow the tenant to recover her \$50.00 filing fee from the landlord. I direct the tenant to reduce her next scheduled monthly rent payment to the landlord by \$50.00 to enable her to do so. Her regular monthly rent is restored the following month.

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*.