



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes: MT, DRI, CNC, OPT

### Introduction

This hearing was convened in response to an application filed by the tenant seeking:

1. More time to make this application;
2. To dispute an additional rent increase;
3. To cancel a Notice to End Tenancy given for Cause; and
4. An Order of Possession for the Tenant.

The tenant gave evidence that he served the landlords/respondents with the Application for Dispute Resolution hearing package by way of registered mail. I am therefore satisfied that the landlords have had notice of this hearing although neither landlord appeared at the hearing.

The tenant gave evidence under oath.

### Issue(s) to be Decided

Is the tenant entitled to the Orders sought?

### Background and Evidence

The tenant testified that he was served with the 1 Month Notice to End Tenancy for cause on or after January 22, 2011. The tenant filed his application to dispute the Notice on January 31, 2011 and he amended his application on February 3, 2010. Having filed his original application on January 31, 2011 I am satisfied that the tenant filed his application within the 10 days required under the Act therefore the application for more time is dismissed as unnecessary.

### Analysis and Findings

When a tenant disputes a Notice to End Tenancy the burden of proving cause to end this tenancy is upon the landlords. The landlords did not attend the hearing of this matter to supply evidence and show cause to end this tenancy. The Notice to End Tenancy issued in this matter is therefore set aside. The effect of this decision is that this tenancy will continue. As this tenancy continues the tenant does not require an Order of Possession as he remains in the rental unit and will continue to remain.

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*.