



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNL, MN, FF

Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy and a monetary order. The tenant testified that on March 9 she personally served the Landlord's agent with the application for dispute resolution and notice of hearing (the "Hearing Documents") and that she sent a copy of the Hearing Documents to the landlord by registered mail at his address in Ontario. I was satisfied that the landlord had been properly served with the Hearing Documents and the hearing proceeded in his absence.

Issues to be Decided

Should the notice to end tenancy be set aside?
Is the tenant entitled to a monetary order as claimed?

Background and Evidence

The tenant testified that on February 24 she was served with a notice to end tenancy which alleged that the landlord or a close family member intended to occupy the rental unit.

The tenant seeks to recover the cost of notarizing statements submitted into evidence as well as the cost of the filing fee paid to bring her application.

Analysis

The landlord bears the burden of proving that he has grounds to end the tenancy. As the landlord did not appear at the hearing to present any evidence, I find that he has not met that burden and accordingly I order that the notice to end tenancy dated February 24 be set aside and of no force or effect. As a result, the tenancy will continue.

I find that the tenant is entitled to recover the \$50.00 filing fee paid to bring her application. The tenant may deduct \$50.00 from future rent owed to the landlord.

I dismiss the tenant's claim for the cost of notarizing statements as under the Act, the only litigation-related expense I am empowered to award is the cost of the filing fee.

Conclusion

The notice to end tenancy is set aside and the tenant may deduct \$50.00 from future rent.

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: March 21, 2011

Residential Tenancy Branch