



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with the tenant's application to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property. The landlord did not appear at the hearing. The tenant provided a registered mail receipt and tracking number as proof the landlord was served with notification of this hearing via registered mail sent to the landlord's service address on July 15, 2011. Based upon the evidence before me, I accepted that the landlord was sufficiently served and I proceeded to hear from the tenant without the landlord present.

The tenant requested his application be amended to include a request to recover the filing fee in the event he was successful with this application. I granted this request for amendment.

Issue(s) to be Decided

Should the Notice to End Tenancy be upheld or cancelled?

Background and Evidence

The landlord and tenant entered into a written tenancy agreement April 13, 2011 for a fixed term set to expire April 30, 2012. On June 30, 2011 the landlord served the tenant with a 2 Month Notice to End Tenancy for Landlord's Use of Property. The tenant disputed the Notice within the time limit required under the Act.

The tenant provided a copy of the tenancy agreement and the 2 Month Notice to End Tenancy as evidence for this proceeding.

Analysis

Where a Notice to End Tenancy comes under dispute the landlord has the burden to show the tenancy should end for reasons indicated on the Notice. In the absence of the landlord at the hearing or any written submission on part of the landlord, I grant the

tenant's request to cancel the Notice to End Tenancy with the effect that this tenancy continues.

As the tenant was successful in this application I award the filing fee to the tenant. The tenant is authorized to deduct \$50.00 from a subsequent month's rent in satisfaction of this award.

Conclusion

The Notice to End Tenancy issued June 30, 2011 has been cancelled and the tenancy continues. The tenant has been awarded the filing fee paid for this application and may deduct \$50.00 from a subsequent month's 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: August 12, 2011.

Residential Tenancy Branch