

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant seeking an order to set aside a One Month Notice to End Tenancy for Cause. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to have the notice set aside?

Background and Evidence

The tenancy began on or about April 1, 2010. Rent in the amount of \$675.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$337.50.

The landlord issued a One Month Notice to End Tenancy for Cause on September 23, 2011. The landlord testified that he was too busy to submit any evidence and had no further position on this matter.

The tenants advocate's testimony was that the tenant had received no evidence and was not aware of the issues alleged by the landlord. The tenant's advocate's position was that the matter should be dismissed.

Analysis

The landlord did not submit any evidence for this hearing and accordingly the One Month Notice to End Tenancy for Cause dated September 23, 2011 has no effect or force.

The tenant has been successful in his application.

Conclusion

The Notice is set aside.

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: November 02, 2011.

Residential Tenancy Branch