



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This matter dealt with an application by the Tenant to cancel a One Month Notice to End Tenancy for Cause dated December 15, 2011 and to recover the filing fee for this proceeding.

The oral hearing via teleconference started at 11:00 a.m. as scheduled, however by 11:10 a.m. neither party had dialled into the conference call. As there has been no hearing into the merits of the Tenant's application to cancel the One Month Notice, it is dismissed with leave to reapply (provided that it is not a matter excluded under s. 4 of the Act). For example, section 4(c) of the Act says "the Act does not apply to living accommodation in which the Tenant shares bathroom or kitchen facilities with the owner of that accommodation."

Conclusion

The Tenant's application to cancel the One Month Notice is dismissed with leave to reapply. The Tenant's application to recover the filing fee for this proceeding is dismissed without leave to reapply. 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: January 11, 2012.

Residential Tenancy Branch