



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on February 6, 2012, however the respondent(s) did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after mailing, even if the recipient fails to claim or accept the registered mail.

I therefore proceeded with the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request to cancel a Notice to End Tenancy

### Background and Evidence

The applicant testified that:

- on January 27 she received a Notice to End Tenancy that stated:
  - Tenant or a person permitted on the property by the tenant has:
    - seriously jeopardize the health or safety or lawful right of another occupant or the landlord
    - put the landlords property at significant risk.
- She further testified that she does not know what she has done to receive this notice.
- She has asked the landlord why the notice has been given however the landlord has given her no further information.

The applicant is therefore requesting that the Notice to End Tenancy cancelled.

### Analysis

It is my decision that, since the landlord did not appear the hearing to give the reasons why the Notice to End Tenancy has been given, that I will cancel the Notice to End Tenancy and this tenancy continues.

If the landlord still wishes to end the tenancy a new Notice to End Tenancy must be served.

### Conclusion

The 1 month Notice to End Tenancy dated January 27, 2012 is hereby cancelled and this tenancy continues.

I further order that the respondent pay the filing fee of \$50.00, which was waived for the applicant, to the director of the Residential Tenancy Branch.

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: February 21, 2012.

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Residential Tenancy Branch