



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling a 1 Month Notice to End Tenancy for Cause (the "Notice").

The tenant appeared; the landlord did not appear.

The tenant testified that she served the landlord with the Application for Dispute Resolution and Notice of Hearing (the "Hearing Package") by leaving it with the landlord at her place of residence, with a witness accompanying her on October 2, 2012.

I find the landlord was served in a manner complying with section 89 of the Residential Tenancy Act (the "Act") and the hearing proceeded in the landlord's absence.

I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

### Issue(s) to be Decided

Is the tenant entitled to an order cancelling the Notice?

### Background, Evidence and Analysis

The tenant stated that she was served with a 1 Month Notice to End Tenancy for Cause (the "Notice") by the landlord, which was dated September 7, 2012 and filed her application to dispute the Notice. Section 53 of the Act allows the effective date of a Notice to be changed to the earliest date upon which the Notice complies with the Act; therefore, I find that the Notice effective date listed on the Notice, October 7, 2012, is changed to October 31, 2012.

When a landlord issues a notice to end tenancy and the tenant files an application to dispute the notice, the landlord must prove that there is sufficient cause under the Act to end the tenancy.

Conclusion

As the landlord did not appear in the hearing after being duly served, I order that the Notice dated September 7, 2012, listing a move out date of October 7, 2012, is cancelled, with the effect that the tenancy continues until it may legally end under the Act.

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* and is being mailed to both the applicant and the respondent.

Dated: October 19, 2012.

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Residential Tenancy Branch