



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNC; FF

### **Introduction**

This hearing dealt with the Tenant's application to cancel a *One Month Notice to End Tenancy for Cause* (the Notice) issued October 24, 2012; and to recover the cost of the filing fee from the Landlord.

The parties gave affirmed testimony and had an opportunity to be heard and respond to other party's submissions.

It was established that the Landlord received the Notice of Hearing documents and copies of the Tenant's documentary evidence, by registered mail sent October 26, 2012.

It was also established that the parties received copies of each other's documentary evidence.

### **Issue to be Decided**

Should the Notice issued October 24, 2012, be cancelled?

### **Background and Evidence**

The Notice indicates the following reason for ending the tenancy:

"Tenant has engaged in illegal activity that has, or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord."

At the outset of the Hearing, the Landlord stated that he had ticked off the wrong box on the Notice. The Landlord stated that he did not mean to allege that the Tenant had engaged in any illegal activity.

### **Analysis**

The Landlord testified that he had ticked off the wrong box on the Notice and therefore, I find that the Notice is not a valid notice to end the tenancy.

Therefore, I grant the Tenant's application to cancel the Notice. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

The Tenant has been successful in his application and I find that he is entitled to recover the cost of the \$50.00 filing fee from the Landlord. Further to the provisions of Section 72 of the Act, the Tenant may deduct \$50.00 from future rent due to the Landlord.

### **Conclusion**

The Notice to End Tenancy issued October 24, 2012, is cancelled. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

The Tenant may deduct \$50.00 from future rent due to the Landlord, representing recovery of the cost of the filing fee.

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 30, 2012.

---

Residential Tenancy Branch