

DECISION

Dispute Codes CNC

Introduction

This is an application filed by the Tenant to cancel a notice to end tenancy issued for cause.

The Tenant attended the hearing by conference call and gave undisputed testimony. The Landlord did not attend. The Tenant states that the Landlord was served with the notice of hearing and evidence package in person on October 12, 2012. I find based upon the undisputed testimony of the Tenant that the Landlord was properly served with the notice of hearing package. The Landlord has submitted documentary evidence.

Issue(s) to be Decided

Is the Tenant entitled to an order cancelling a 1 month notice to end tenancy issued for cause?

Background, Evidence and Analysis

The Tenant states that he was served with a 1 month notice to end tenancy issued for cause dated October 2, 2012 on the same date. The Tenant states that the notice was slipped into the space between the door and the door jamb. The notice displays a move-out date of November 30, 2012.

Both parties have provided a copy of a letter from the City of Port Coquitlam Fire Services dated October 11, 2012. The Tenant disputes the Landlord's claims and states that he requested the inspection by the fire service. It states, "I considered the Inspections of Hazards, under Section 21 of the Fire Services Act; I found the unit in question near to, but not exceeding, the state in which I would act on behalf of the Fire Commissioners Office or the City of Port Coquitlam to make an order of repair, to remove the material and/or combustibles."

The Tenant states that he has removed approximately 90% of the materials in the rental unit. The Tenant's application to cancel the 1 month notice to end tenancy issued for cause is granted. I accept the undisputed testimony of the Tenant and find that as the

Landlord has failed to attend in response to the application filed by the Tenant, the notice dated October 2, 2012 is cancelled and the Tenancy shall continue.

Conclusion

The Tenant's application is granted.

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 16, 2012.

Residential Tenancy Branch