DECISION

<u>Dispute Codes</u>   CNC, FF

This is an application filed by the Tenant to cancel a notice to end tenancy issued for cause and the recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. The Landlord has confirmed receipt of the Tenant's notice of hearing and submitted evidence package. The Landlord has not submitted any documentary evidence. As both parties have attended the hearing and have confirmed receipt of the submitted evidence, I am satisfied that both parties have been properly served.

During the hearing it was confirmed with both parties that neither party submitted a copy of the 1 month notice to end tenancy issued for cause. In discussions with both parties an attempt was made to resolve the matter through settlement. At 2:43 pm the Landlord ended the call during the hearing stating that she could come to an understanding with the Tenant, but would not elaborate on the reasons for cause for the issuance of the notice. After waiting until 2:52 pm with no call back from the Landlord, I find that the application filed by the Tenant was unchallenged. The Landlord has failed to provide sufficient evidence to satisfy me on the reasons for cause.

The Tenant's application to cancel the notice to end tenancy is granted. As there is no copy in evidence and the Tenant has stated that he has not been issued any other notices to end tenancy, I grant an order cancelling the notice to end tenancy issued for cause prior to the date of the Tenant's application on October 23, 2012.

The Tenant having been successful is entitled to the recovery of the $50.00 filing fee. The Tenant is granted a monetary order under section 67 for $50.00.   This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

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 27, 2012.

_____

Residential Tenancy Branch