



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, OLC, FF

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause; an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement; and to recover the fee for filing the Application for Dispute Resolution. At the hearing the Tenant withdrew the application for an Order requiring the Landlord to comply with the *Act* or the tenancy agreement.

The Tenant stated that the Application for Dispute Resolution, the Notice of Hearing, and documents the Tenant wishes to rely upon as evidence were sent to the Landlord, via registered mail, at the service address noted on the Application, on October 20, 2012. The Tenant cited a Canada Post tracking number that corroborates this statement. I find that these documents have been served in accordance with section 89 of the *Act*, however the Landlord did not appear at the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Act*, be set aside and is the Tenant entitled to recover the fee for filing this Application for Dispute Resolution?

Background and Evidence

The Tenant stated that the Landlord emailed a One Month Notice to End Tenancy for Cause, dated October 05, 2012, to the Tenant. The Tenant does not recall the exact date the Notice was received, but he believes it was "a few days" prior to October 17, 2012.

The reasons cited for ending the tenancy on the Notice to End Tenancy were that the Tenant has allowed an unreasonable number of occupants in the unit; that the Tenant has breached a material term of the tenancy that was not corrected within a reasonable time; and that the Tenant has assigned or sublet the rental unit without written consent. The Tenant stated that he does not believe the Landlord has grounds to end the tenancy for any of these reasons.

Analysis

As the Landlord did not attend the hearing in support of the Notice to End Tenancy, I find that there is insufficient evidence to conclude that the Landlord has grounds to end the tenancy pursuant to section 47 of the *Act*. I therefore grant the Tenant's application to set aside the Notice to End Tenancy.

Conclusion

I find the Tenant's application has merit and I grant the Tenant a monetary Order in the amount of \$50.00 as compensation for the filing fee paid for this Application for Dispute Resolution.

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 21, 2012.

Residential Tenancy Branch