



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE

Introduction

This was a hearing with respect to the tenant's application to cancel a one month Notice to End Tenancy for cause. The hearing was conducted as an in person hearing at the Residential Tenancy Office in Burnaby. The landlord's representative attended the hearing, but the tenant did not even though the tenant requested that the hearing be conducted as a face to face hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?

Background and Evidence

The rental unit is an apartment in Vancouver. The landlord served the tenant with a one month Notice to End Tenancy for cause dated November 23, 2012. The Notice claimed that the tenant has assigned or sublet the rental unit without the landlord's consent. The landlord's evidence is that the tenant continues to live in the rental unit although her co-tenant has not been seen at the rental property for some time.

The landlord's representative testified at the hearing. Based on his testimony I am unable to find that the ground stated in the Notice to End Tenancy is correct. The landlord has other grounds for ending the tenancy and has served the tenant with a 10 day Notice to End Tenancy for unpaid rent which has not been disputed. The landlord intends to proceed with an application for dispute resolution pursuant to the Notice to End Tenancy for unpaid rent.

Analysis and conclusion

Although the tenant did not attend the hearing of her application, based on the evidence before me I find that it has not been established that there are grounds for the one month Notice to End Tenancy dated November 23, 2012 and it should be cancelled.

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: January 10, 2013.

Residential Tenancy Branch

