



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RP, RR, FF, MNDC

This is an application filed by the Tenant to cancel a notice to end tenancy issued for cause, an order for the Landlord to make repairs, allow the Tenant to reduce rent for repairs, services or facilities agreed upon but not provided, recovery of the filing fee and a monetary order for compensation.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the submitted evidence, I am satisfied that both parties have been properly served.

At the beginning of the hearing a request by the Landlord was addressed for an adjournment. The Landlord's Agent states that the Landlord is out of the country as per the faxed request (to attend a funeral in India), but has corrected the return date from March 31, 2013 to the first week of March 2013. It was learned at this time that both parties have confirmed that the Landlord failed to serve the Tenant with a 1 month notice to end tenancy issued for cause dated January 13, 2013 in proper form. Both parties confirmed that the Landlord did not provide the completed page 2 (reasons) of the notice, but instead a letter dated January 13, 2013. As such, the Tenant's request to cancel the notice to end tenancy is set aside and the Tenancy shall continue.

I find no prejudice to the Tenant for the request and grant an adjournment. The remaining portions of the Tenant's Application are adjourned to a participatory hearing no earlier than March 7, 2013 to allow for the Landlord's return from India.

I find that the Tenant's request to cancel the notice to end tenancy is a substantive portion of the application and find that the Tenant having been successful in it is entitled to recovery of the \$50.00 filing fee. The Tenant is granted permission to withhold \$50.00 one-time for March 2013 rent to recover the filing fee.

The remaining portions of the Tenant's Application were not dealt with and will be heard on the next adjournment date.

A Notice of Hearing Document is attached for each party. **The Applicant is responsible for serving the Respondent with the Notice of Hearing and must provide to the Respondent copies of the relevant information and/or documents to which he/she may refer at the hearing.** The Applicant should be prepared to give evidence of service at the hearing.

Failure to attend the hearing at the scheduled time, with all relevant documents and/or witnesses, will result in a decision being made on the basis of any information before the dispute resolution officer and the testimony of the party in attendance at the hearing.

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: February 15, 2013

Residential Tenancy Branch

