



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NJM Holdings
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenant's application pursuant to section 47 of the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice).

The Applicant (the tenant) was represented at the date and time set for the hearing of this matter by his advocate (the advocate). The Respondent (the landlord) did not attend, although I waited until 9:42 a.m. to enable the landlord to connect with this teleconference hearing scheduled for 9:30 a.m. The advocate testified that the tenant sent the landlord a copy of the tenant's dispute resolution hearing package by registered mail on February 7, 2013. He provided the Canada Post Tracking Number to confirm this registered mailing, a copy of which he had in his possession. The advocate testified that the tenant told him that he also handed the landlord's representative a copy of the dispute resolution hearing package on February 7, 2013. Based on the advocate's sworn testimony, I am satisfied that the tenant served the landlord with a copy of his dispute resolution hearing package in accordance with the *Act*.

Issues(s) to be Decided

Should the landlord's 1 Month Notice be cancelled?

Background and Evidence

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The tenant applied to cancel the landlord's 1 Month Notice of February 1, 2013, seeking an end to this tenancy by March 1, 2013.

Analysis

In the absence of any evidence or submissions from the landlord, I allow the tenant's application to cancel the 1 Month Notice.

Conclusion

I allow the tenant's application to cancel the landlord's 1 Month Notice with the effect that this tenancy continues.

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: March 04, 2013

Residential Tenancy Branch

