



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling the landlord's 1 Month Notice to End Tenancy for Cause (the "Notice").

The tenant appeared; the landlord did not appear.

The tenant testified that she served the landlord with her Application for Dispute Resolution and Notice of this Hearing by registered mail on March 22, 2013. The tenant supplied testimony of the tracking number of the registered mail.

I find the landlord was served notice of this hearing in a manner complying with section 89 of the Residential Tenancy Act (the "Act") and the hearing proceeded in the landlord's absence.

I have reviewed all evidence and testimony before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

### Issue(s) to be Decided

Is the tenant entitled to an order cancelling the Notice and to recover the filing fee?

### Background, Evidence and Analysis

The tenant said the tenancy began on January 2, 2007, and current monthly rent is \$300.00, although she pays more than this amount.

The tenant stated that she received the landlord's Notice to end the tenancy for alleged cause, on March 17, 2013. The tenant's application was filed March 20, 2013. I find the tenant made a timely application to dispute the Notice.

When a landlord issues a notice to end tenancy and the tenant files an application to dispute the notice, the landlord must prove that there is sufficient cause under the Act to end the tenancy.

### Conclusion

As the landlord did not appear in the hearing after being properly served with the notice of this hearing, I order that the Notice dated March 17, 2013, is cancelled, with the effect that the tenancy continues until it may legally end under the Act.

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* and is being mailed to both the applicant and the respondent.

Dated: April 18, 2013

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Residential Tenancy Branch