



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC

### Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a 1 month notice to end tenancy for cause. The tenant and two persons assisting him attended the hearing. The tenant gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the landlord did not appear. Evidence submitted by the tenant includes the Canada Post tracking number for the registered mail. Ultimately, the hearing package was returned to the sender. Subsequently, however, the hearing package was served in-person on May 24, 2013.

### Issue(s) to be Decided

Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began on or about January 7, 2011. Monthly rent is \$950.00, and a security deposit was collected in this same amount.

The landlord issued a 1 month notice to end tenancy for cause dated April 30, 2013. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is May 31, 2013. Reasons identified on the notice in support of its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

- seriously jeopardized the health or safety or lawful right of another occupant or the landlord
- put the landlord's property at significant risk

Tenant has caused extraordinary damage to the unit/site or property/park

The tenant disputes the notice and filed an application for same on May 6, 2013.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Based on the documentary evidence and the affirmed / undisputed testimony of the tenant, I find that the tenant was served with a 1 month notice to end tenancy for cause dated April 30, 2013. As the tenant's application to dispute the notice was filed on May 6, 2013, I find that the tenant's application was filed within the 10 day period permitted pursuant to section 47 of the Act, which speaks to **Landlord's notice: cause**.

Further to the above, in the absence of a request for an order of possession pursuant to an application for dispute resolution by the landlord, and in the absence of an appearance by the landlord at the hearing, I find that the 1 month notice to end tenancy must be set aside. In the result, the tenancy continues in full force and effect.

### Conclusion

The 1 month notice to end tenancy for cause is hereby set aside, and the tenancy continues uninterrupted.

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: May 31, 2013

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Residential Tenancy Branch