



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes: CNR, FF

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenant. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the Tenant was personally served on the landlord on or about December 1, 2013. With respect to each of the applicant's claims I find as follows:

Issues to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy which is undated but sets the end of tenancy for December 6, 2013?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began approximately 2 ½ to 3 years ago. The present rent is \$950 per month payable in advance on the first day of each month. The tenant did not pay a security deposit.

Analysis

The landlord has the burden of proof to establish sufficient cause to end the tenancy. The landlord failed to attend the hearing and failed to present any evidence as to non-

payment of rent. As a result I determined the landlord has failed to establish sufficient cause to end the tenancy.

Determination and Orders

As a result I ordered that the 10 day Notice which is undated but sets the end of tenancy for December 6, 2013 be cancelled. The tenancy shall continue with the rights and obligations of the parties remaining unchanged. The tenant was successful with his application. **I ordered that the landlord pay to the tenant the sum of \$50 for the cost of the filing fee paid by the tenant.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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 07, 2014

Residential Tenancy Branch

