



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC OLC FF

### Introduction

This hearing dealt with the tenant's application to cancel a notice to end tenancy for cause, as well as for an order that the landlord comply with the Act, regulation or tenancy agreement.

The tenant participated in the teleconference hearing, but the landlord did not. The tenant stated that she personally served the landlord with the application for dispute resolution and notice of hearing on January 3, 2014. I accepted the tenant's testimony that she served the landlord with notice of the hearing, and I proceeded with the hearing in the absence of the landlord.

### Preliminary Issues

The tenant stated that she wished to withdraw the portion of her application regarding an order that the landlord comply with the Act, as she had resolved matters with the landlord. I therefore did not hear evidence regarding that portion of her application.

When a tenant applies to cancel a notice to end tenancy, the landlord has the burden of proof to establish that the notice is valid. As the landlord did not appear in the hearing, I cancel the notice to end tenancy for cause.

As the tenant's application was successful, I find she is entitled to recovery of the \$50 filing fee for the cost of her application.

Conclusion

I cancel the notice to end tenancy for cause, with the effect that the tenancy continues until such time as it is ended in compliance with the Act.

The tenant may deduct \$50, the amount of the filing fee, from her next month's rent.

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 18, 2014

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Residential Tenancy Branch

