



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, FF

Introduction

The tenants applied to cancel a 1 month Notice to end tenancy for cause.

The tenant said that on June 5, 2014, sometime late in the morning, she personally served the landlord the application, hearing package and evidence to Mon. D., at the landlord's place of business. The tenant had a friend, R. present as a witness. The tenant told the landlord they had an upcoming court date.

These documents are deemed to have been served on the day of personal delivery, in accordance with section 89 and 90 of the Act, however the landlord did not appear at the hearing.

Issue(s) to be Decided

Should the Notice ending tenancy issued for cause be cancelled?

Background and Evidence

The tenancy commenced May 1, 2014. Rent is \$850.00, due on the 1st day of each month. Rent is paid by bank draft, to a representative of the church that owns the rental unit and has been involved with the tenancy. No written tenancy agreement was signed.

The tenant confirmed that she has not been issued a Notice ending tenancy. The tenant said the landlord keeps telling them they must vacate the rental unit as she and her co-tenant are not married. The tenant's application indicated that the landlord is trying to end the tenancy because of their marital status.

Analysis

A landlord may end a tenancy in accordance with the Residential Tenancy Act and the end of tenancy must respect any grounds set out in the B.C. Human Rights Act.

In order to end a tenancy a Notice ending tenancy, in the approved form, supported by reasons, must be issued. A tenancy may not be ended based on the family, marital

status or any other ground protected by the Human Rights Act; unless otherwise determined by that Act.

Therefore, in the absence of a Notice ending tenancy, I find that this tenancy will continue until it is ended in accordance with the Act.

As a Notice ending tenancy has not been issued I decline filing fee costs.

Conclusion

The tenancy will continue until it is ended in accordance with the Act.

This decision is final and binding and 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: July 21, 2014

Residential Tenancy Branch

