



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OPC, MNDC, FF

Introduction

This hearing was scheduled for 1:30 p.m. on this date to deal with cross applications. The tenant applied to cancel a 1 Month Notice to End Tenancy for Cause. The landlord applied for an Order of possession for Cause and a Monetary Order for damage or loss under the Act, regulations or tenancy agreement. The tenant appeared at the hearing but the landlord did not.

As the tenant confirmed that he received the landlord's Application for Dispute Resolution, since the landlord did not appear at the hearing, I dismissed the landlord's Application for Dispute Resolution without leave to reapply.

The tenant testified that he personally served the landlord with his Application for Dispute Resolution two days after making this Application. In the absence of any evidence to the contrary, I accepted that the landlord was sufficiently served with notification of this proceeding and I continued to hear from the tenant without the landlord present.

Issue(s) to be Decided

Should the 1 Month Notice to End Tenancy for Cause be cancelled?

Background and Evidence

The tenant submitted that on April 30, 2014 he was personally served with a 1 Month Notice to End Tenancy for Cause with a stated effective date of May 31, 2014 (the Notice). The tenant filed to dispute the Notice within the time limit for doing so. The tenant also stated that he has paid rent for the month of June 2014.

Analysis

Where a Notice to End Tenancy comes under dispute, the landlord has the burden to prove that the tenancy should end for the reason(s) indicated on the Notice.

Given the landlord's absence at this hearing I find the landlord has failed to establish that this tenancy should end. Therefore, I cancel the Notice with the effect that this tenancy continues until such time it legally comes to an end.

I award the tenant recovery of the filing fee he paid for this Application. To realize this award I authorize the tenant to withhold \$50.00 from a subsequent month's rent payment.

Conclusion

The 1 Month Notice to End Tenancy for Cause dated April 30, 2014 is cancelled and the tenancy continues at this time. The tenant has been authorized to deduct \$50.00 from a subsequent month's rent payment in order to recover the filing fee he paid for this Application from the landlord.

The landlord's Application was dismissed without leave.

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: June 24, 2014

Residential Tenancy Branch

