



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This is an application filed by the tenant for an order cancelling the notice to end tenancy issued for cause and recovery of the filing fee.

The tenants attended the hearing by conference call and gave undisputed testimony. The landlord did not attend or submit any documentary evidence. The tenants states that the landlord was served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on June 12, 2014 and has provided in their direct testimony the Customer Receipt Tracking number. The tenants state that reviewing the Canada Post Online Tracking system shows that the landlord received and signed for the package on June 15, 2014. I am satisfied based upon the undisputed evidence of the tenants that the landlord has been properly served.

Issue(s) to be Decided

Are the tenants entitled to an order cancelling the notice to end tenancy?
Are the tenants entitled to a monetary order?

Background and Evidence

The tenants failed to provide a copy of the notice to end tenancy, but state that a conversation just 1 day prior to the hearing date, the landlord stated that he was cancelling his 1 month notice to end tenancy.

Analysis

I accept the undisputed evidence of the tenant and find that as the landlord has cancelled the notice to end tenancy and has failed to attend in response to the tenant's

application for dispute resolution that the tenant's application to cancel a notice to end tenancy is granted.

The tenants having been successful are entitled to recovery of the \$50.00 filing fee. I grant the tenants a monetary order under section 67 for \$50.00.

Conclusion

The tenant's application to cancel a notice to end tenancy is granted.
The tenant's are granted a monetary order for \$50.00.

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: July 29, 2014

Residential Tenancy Branch

