



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Laurelwood Ventures
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant seeking to have a One Month Notice to End Tenancy for Cause set aside. The tenant participated in the conference call hearing but the landlord(s) did not. The tenant presented evidence that the landlords were served with the application for dispute resolution and notice of hearing by having a witness present when personally serving them on July 5, 2014. I found that the landlord had been properly served with notice of the tenants claim and the date and time of the hearing and the hearing proceeded in their absence. The tenant gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to have the notice set aside?

Background and Evidence

The tenant gave the following testimony: The tenancy began on or about March 2011. Rent in the amount of \$450.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$225.00. The tenant stated that the landlord agreed to withdraw the notice as there was no basis to it. The tenant stated that he has “done nothing wrong”.

Analysis

When a landlord issues a notice under Section 47 they bear the responsibility of providing sufficient evidence to support the issuance of the notice. The landlord did not participate in this hearing nor provide any documentation. Based on the undisputed testimony of the tenant I hereby set aside the notice.

Conclusion

The One Month Notice to End Tenancy for Cause dated June 29, 2014 with an effective date of July 29, 2014 is of no effect or force and is hereby set aside.

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: September 02, 2014

Residential Tenancy Branch

