



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The tenant did not attend this hearing, although the 1:00 p.m. hearing proceeded until 1:10 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, and to make submissions.

Evidence and Issue to be Decided

A tenancy agreement was submitted by the tenant in his application indicating a month to month tenancy starting November 1, 2011 with a rental amount of \$1200.00. The landlord served a 1 Month Notice to End Tenancy for Cause (1 Month Notice) to the tenant on or about September 22, 2014 by personally serving the tenant. The tenant submitted an Application for Dispute Resolution and served the landlord with Notice of Application for Dispute Resolution on September 30, 2014. The landlord acknowledged having received service of the Notice of Dispute Resolution and package in her sworn testimony.

The landlord testified the 1 Month Notice to End Tenancy (with respect to an authorized pet) is no longer being pursued by the landlord. The tenant's application to cancel the 1 Month Notice is granted in the circumstances.

Conclusion

The 1 Month Notice is set aside and is of no force and effect. This tenancy shall continue.

Under the circumstances and as the tenant did not attend this hearing, I make no order with respect to the tenants' application to recover their filing fee for this application.

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: November 24, 2014

Residential Tenancy Branch

