



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT, CNC, OPC & FF

### Introduction

A hearing was conducted by conference call in the presence of a representative of the tenant and in the absence of the landlord. The conference call was not closed until 15 minutes passed the scheduled start time. The landlord still did not attend the hearing. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing filed by the tenant was personally served on the landlord on October 29, 2014. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the Tenant is entitled to an order cancelling the one month Notice to End Tenancy September 17, 2014?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The tenancy started approximately 11 months ago. The present rent is \$500 per month. The tenant paid a security deposit of \$250 at the start of the tenancy. The tenant(s) is presently in the rental unit but testified that she thinks she will be moving out in the next couple of days.

### Tenant's Application:

The tenant testified that she intends to move out of the rental unit in the next couple of days. As a result I determined it was appropriate to dismiss the tenant's application to cancel the Notice to End Tenancy dated September 17, 2014 as the effect of cancelling the Notice would be to continue the tenancy.

Landlord's Application:

The landlord has the burden of proof to establish sufficient cause to end the tenancy. The landlord failed to attend the hearing. As a result I ordered that the application of the landlord for an Order for Possession be dismissed without liberty to re-apply. If the tenant does not vacate the rental unit the landlord has the right to serve another one month Notice to End Tenancy based on the same grounds as I have not determined whether the landlord has sufficient grounds on the merits.

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: December 04, 2014

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Residential Tenancy Branch

