



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking an order to cancel a one month Notice to End Tenancy issued by the Landlord for alleged cause, dated April 22, 2015.

The Tenant appeared and was aided by an Advocate, and gave affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

The Tenant testified that on April 24, 2015, he personally served his Application and the Notice of this Hearing on an Agent for the Landlord at the front desk where the Landlord carries on business. Despite this, no one appeared on behalf of the Landlord. I find the Landlord has been duly served in accordance with the Act.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Preliminary Issues

At the outset of the hearing the Tenant and his Advocate wanted to make submissions on the issue of the Landlord requiring the Tenant to move to a different rental unit in the same building.

It was explained to the Tenant and Advocate, that the Tenant had not included this dispute in his Application. Therefore, the Landlord would not have had notice that the Tenant was disputing this issue in the hearing and to make any determinations on this issue would then be a breach of the principles of natural justice. For that reason, I declined to hear the Tenant's complaint regarding the room change.

Nevertheless, the Tenant may make a different Application regarding the issue of the Landlord changing the rental unit.

### Issues(s) to be Decided

Is the Notice to End Tenancy valid or should it be cancelled?

### Background and Evidence

The Tenant testified and submitted evidence he was served with a one month Notice to End Tenancy by an Agent for the Landlord. The Notice has an effective date of June 1, 2015. The Notice indicates the Landlord is alleging they have cause to end the tenancy.

No one appeared for the Landlord to support the Notice to End Tenancy.

### Analysis

Based on the above, the uncontradicted evidence and testimony, and on a balance of probabilities, I allow the Application of the Tenant and **I order that the Notice to End Tenancy dated April 22, 2015, is cancelled and is of no force or effect.**

I find there has been no evidence provided from the Landlord to support the Notice. Therefore, I find the Notice must be cancelled. This tenancy will continue until it is ended in accordance with the Act.

### Conclusion

No one appeared for the Landlord despite being duly served. There is insufficient evidence to support the Notice to End Tenancy; therefore, is cancelled and is of no force or effect.

This decision is final and binding on the parties, except as provided under the Act, and 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 08, 2015

---

Residential Tenancy Branch

