



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

The Application for Dispute Resolution filed by the Tenants seeks the following:

- a. An order to cancel a one month Notice to End Tenancy dated September 30, 2015..
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of two of the applicants. The respondent failed to appear. 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 was served on the landlord by mailing, by registered mail to where the landlord resides on October 11, 2015. The tenants testified the documents have not been returned. They also testified they advised the landlord they had filed an Application for Dispute Resolution for an order to cancel the Notice to End Tenancy when the landlord picked by the November rent.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the Notice to End Tenancy dated September 30, 2015?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began approximately 3 years ago. The present rent is \$2600 per month. The tenants were uncertain as to the amount of the security deposit.

Analysis:

The tenants failed to provide a copy of the one month Notice to End Tenancy. However, they put the Notice in front of them and testified it is dated September 30, 2015. The grounds contained in the Notice are as follows:

- The tenants have allowed an unreasonable number of occupants in the unit
- The tenants have put the landlord's property at significant risk.
- The tenants have caused extraordinary damage to the property
- The tenants have not done required repairs of damage to the unit.
- The rental unit must be vacated to comply with a government order.

The landlord has the burden of proof to establish sufficient cause to end the tenancy. The landlord failed to attend the hearing and failed to provide evidence to establish the grounds set out in the Notice. As a result I order that the Notice to End Tenancy dated September 30, 2015 be cancelled. The tenancy shall continue with the rights and obligations of the parties remaining unchanged. As the tenants have been successful with this application I ordered that the landlord pay to the tenants \$50 for the cost of the filing fee which may be deducted from future rent.

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 19, 2015

Residential Tenancy Branch

