



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

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.

Both parties attended the hearing by conference call and gave affirmed testimony. The landlord confirmed receiving the tenant's notice of hearing package. The tenant did not submit any documentary evidence. The tenant has confirmed receipt of the landlord's documentary evidence. I accept the undisputed evidence of both parties and find that both parties have been properly served with the notice of hearing package and the submitted documentary evidence as per sections 88 and 89 of the Act.

Preliminary Issue

At the outset the tenant clarified that his name was spelled with a "R" at the end instead of an "N". The landlord did not comment. As such, I find that the tenant's application and file shall be corrected with the proper spelling.

The tenant provided testimony that he was served with a 1 Month Notice. The landlord confirmed this, but both parties disputed the contents of the notice. As such, I find that without a copy of the 1 Month Notice filed that I am unable to resolve the dispute between these two parties. The tenant's application for dispute is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable time period.

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: February 03, 2016

Residential Tenancy Branch

