



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC OPC

Introduction:

Only the landlord attended the hearing and gave sworn testimony. I find that the One Month Notice to End a Residential Tenancy dated May 11, 2017 to be effective June 30, 2017 was served by posting it on the tenant's door. The landlord admitted service of the application for dispute resolution. The tenant applies to cancel a Notice to End the Tenancy for cause pursuant to section 47 of the *Residential Tenancy Act* (the Act) and to recover the filing fee.

Issues: Is the tenant entitled to any relief?

Background and Evidence:

The tenant/applicant did not attend the hearing. After waiting 10 minutes, the hearing proceeded in her absence. The landlord was given opportunity to be heard, to provide evidence and to make submissions. The tenancy began on March 1, 2017, the rent was \$700 a month and a security deposit of \$350 was paid. No pet damaged deposit was paid although it was required. The landlord served the Notice to End Tenancy pursuant to section 47 because the pet damage deposit was not paid within 30 days of being required.

The landlord said the tenant never paid the pet damage deposit but chose to move out on June 30, 2017 when she returned the keys. The landlord does not know why she did not attend the hearing.

Analysis:

The Notice to End a Residential Tenancy is based on cause pursuant to section 47 of the Act. The Residential Tenancy Act permits a tenant to apply to have the Notice set aside where the tenant disputes it. Although the tenant disputed the Notice in time, she did not attend the hearing to support her application. I find the weight of the evidence is that the landlord had good cause to end the tenancy. I dismiss the application of the

tenant in its entirety. Section 55(1) (a) provides that the arbitrator must grant an order of possession of the rental unit where an arbitrator has dismissed the tenant's application and has upheld the Notice. However the tenant has vacated and the landlord does not require an Order for Possession.

Conclusion:

I dismiss the tenant's application without recovery of the filing fee.

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: July 04, 2017

Residential Tenancy Branch