



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes: CNC, FFT, OLC

Introduction:

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

- a. An order to cancel the one month Notice to End Tenancy dated November 28, 2017.
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Neither party provided a copy of the one month Notice to End Tenancy. However, the tenant testified it is in the approved government form and she was served on November 28, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on December 22, 2017. With respect to each of the applicant's claims I find as follows:

Issues 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 November 28, 2017?
- b. Whether the tenants are entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began approximately 4 years ago. The tenancy agreement provided that the tenant(s) would pay rent of \$1150 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$575 and a pet damage deposit of \$250 at the start of the tenancy.

Analysis:

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 sufficient evidence to establish cause. As a result I order that the one month Notice to End Tenancy dated November 28, 2017 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 the cost of the filing fee in the sum of \$100.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

This decision is final and binding on the parties.

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: January 31, 2018

Residential Tenancy Branch