



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FF

Introduction

This matter dealt with an application by the Tenant to cancel a Notice to End Tenancy for Cause, for the landlord to comply with the Act, regulations and tenancy agreement and to recover the filing fee for this application.

The Tenant said she served the Landlord with the Application and Notice of Hearing (the “hearing package”) by personal delivery on January 24, 2018. Based on the evidence of the Tenant, I find that the Landlord was served with the Tenant’s hearing package as required by s. 89 of the Act and the hearing proceeded in the absence of the landlord.

Issues(s) to be Decided

1. Is the Tenant entitled to an Order to cancel the Notice to End Tenancy?
2. Has the landlord complied with the Act, regulations and tenancy agreement?

Background and Evidence

This tenancy started in August 2015 as a 1 year fixed term tenancy and then renewed on a month to month basis. Rent is \$1,400.00 per month payable on the 1st day of each month. The Tenant paid a security deposit of \$700.00 at the start of the tenancy..

As the Landlord did not attend the hearing there was no testimony or evidence presented to the hearing to support the One Month Notice to End Tenancy for Cause dated January 22, 2018. Consequently I find the reasons given for the Notice to End Tenancy are not proven. I find for the Tenant and the 1 Month Notice to End Tenancy for Cause dated January 22, 2018 is cancelled effective immediately.

Further as the Tenant has been successful in her application I order the Tenant to recover the filing fee by reducing the next rent payment by \$100.00. The next rent payment is reduced from \$1,400.00 to \$1,300.00.

Conclusion

I order the 1 Month Notice to End Tenancy for Cause dated January 22, 2018 is cancelled and the tenancy is ordered to continue as set out in the Tenancy Agreement.

The Tenant's next rent payment is reduced to \$1,300.00 to enable the Tenant to recover the filing fee for this application.

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: March 21, 2018.

Residential Tenancy Branch