



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TEAM 3000 PROPERTY MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNC, FF

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause and for the recovery of the filing fee.

The tenant testified that on June 03, 2018, he served the notice of hearing on the landlord by registered mail to the landlord's service address as provided to the tenant on the notice to end tenancy. The tenant filed a copy of the tracking slip. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

Issue to be Decided

Does the landlord have grounds to end this tenancy? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy began four years ago. The monthly rent is \$1,700.00 payable on the first day of each month.

On May 26, 2018, the landlord served the tenant with a notice to end tenancy for cause. The tenant disputed the notice in a timely manner.

Analysis

In order to support the notice to end tenancy, the landlord must prove the grounds alleged as the reason for the notice to end tenancy. The landlord did not file any documents into evidence and did not attend the hearing.

Without additional testimony and evidence to support the reasons for the notice to end tenancy, the landlord has not met the burden of proof and therefore I allow the tenant's application and set aside the landlord's notice to end tenancy.

Since the notice has been set aside, I award the tenant the recovery of the filing fee of \$100.00. The tenant may deduct \$100.00 from a future rent.

Conclusion

The notice to end tenancy is set aside and the tenancy shall continue.

The tenant may make a one-time deduction of \$100.00 from rent that is due on August 01, 2018.

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 20, 2018

Residential Tenancy Branch