



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL, FF

Introduction:

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

- a. An order to cancel the four month Notice to End Tenancy dated June 25, 2018
- b. An order to recover the cost of the filing fee.

The landlord failed to appear at the scheduled start of the hearing which was 11:00 a.m. on September 7, 2018. The tenant applicant was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the landlord to call in. The landlord failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The tenant was given a full opportunity to present evidence.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the 4 month Notice to End Tenancy was served on the Tenant by mailing. Further I find that the Application for Dispute Resolution/Notice of Hearing filed the Tenant was sufficiently served on the landlord. 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 tenant is entitled to an order cancelling the four month Notice to End Tenancy dated June 25, 2018?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began about 10 years ago. The present rent is \$1170 per month payable in advance on the first day of each month. The tenant paid a security deposit although she could not remember how much she paid.

The landlord served a 4 month Notice to End Tenancy for renovations on the Tenant. On August 21, 2018 the landlord wrote the Tenant a letter stating the landlord was cancelling the four month Notice to End Tenancy and would be reimbursing the Tenant with the cost of the

filing fee. The letter also included a 2 month Notice to End Tenancy purporting to end the tenancy on the basis that the property has been sold.

The tenant attempted to withdraw this application but the Registry advised her that it was not permitted at this late stage of the proceeding.

Determination and Orders:

After considering all of the evidence I ordered that the four month Notice to End Tenancy dated June 25, 2018 be cancelled. The letter dated August 21, 2018 indicates the landlord attempted to withdraw the Notice. The Tenant seeks an order to cancel the 4 month Notice to End Tenancy and is entitled to that order. The tenancy shall continue until cancelled in accordance with the provisions of the Residential Tenancy Act.

As the tenant has been successful with this application I ordered that the landlord reimburse the tenant with 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: September 07, 2018

Residential Tenancy Branch