



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, FFT

### Introduction

This hearing was convened in response to an application by the **Tenants** pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 47; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord did not attend the hearing. I accept the Tenant’s evidence that the Landlord’s Agent “RL” was served with the application for dispute resolution, notice of hearing and evidence (the “Materials”) in person on January 19, 2021 in accordance with Section 89 of the Act. The Tenants were given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Tenant entitled to a cancellation of the notice to end tenancy?

Is the Tenant entitled to recovery of the filing fee?

### Background and Evidence

The tenancy under written agreement started on July 1, 2015. Tenant MW is not named as a tenant on the tenancy agreement. Rent of \$971.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$447.50 as a security deposit. On January 13, 2021 the Tenants found a one-month notice to end tenancy for cause (the “Notice”) posted on their door. The Notice sets out two reasons

for ending the tenancy. The Tenants confirm that there are no valid reasons to end the tenancy.

### Analysis

Section 47 of the Act sets out several reasons where a landlord may end a tenancy by giving a one-month notice to end the tenancy for cause. Where a tenant disputes a such a notice to end tenancy the landlord bears the burden of proof that the reasons set out on the notice to end tenancy are valid. Based on the Tenant's undisputed evidence that there are no valid reasons to end the tenancy I find that the Notice is not valid for its stated reasons and that the Tenant is entitled to its cancellation. The tenancy continues. As the Tenant has been successful with its application, I find that the Tenant is entitled to recovery of the \$100.00 filing fee and the Tenant may deduct this amount from future rent payable in full satisfaction of this claim.

### Conclusion

The Notice is cancelled. The tenancy continues.

I grant the Tenant an order under Section 67 of the Act for **\$100.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 06, 2021

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Residential Tenancy Branch