Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNL

Introduction

The tenant seeks to cancel a Notice to End Tenancy given for Landlord's Use.

The tenant gave evidence that he served the landlord with the Application for Dispute Resolution hearing package which includes his evidence and Notice of Hearing on September 7, 2012 by way of registered mail. I accept the tenant's evidence and find that the landlord had due notice of this claim and this hearing although he did not attend.

Issue(s) to be Decided

Has the landlord met the burden of proving cause to end this tenancy?

Background and Findings

As the landlord did not attend this hearing to meet his burden of proving grounds to end this tenancy I will allow the tenant's application. The effect of this decision is that the Notice to end Tenancy which is the subject of this application is dismissed and this tenancy shall continue as though that notice had not been served.

As the tenant has been successful in this application the tenant is entitled to recover the filing fee he paid for this application. I therefore direct the tenant to deduct $50.00 from the next rental payment.

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: October 9, 2012

Residential Tenancy Branch