



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a 1 Month Notice to End Tenancy for Cause, issued on July 3, 2013.

This matter was scheduled for hearing on August 8, 2013, and was adjourned to today's date. The Notice of Adjourned Hearing was sent to each party by the Residential Tenancy Branch by regular mail on August 14, 2013, to the service address which was provided by the tenant and the landlords. The tenant appeared. No one appeared for the landlords.

On August 8, 2013, the parties agreed to an interim agreement, with the goal of working out a solution that would resolve this matter for both parties. That agreement should be read in conjunction with this decision.

Procedural matters

In a case where a tenant has applied to cancel a notice for cause Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the notice.

This matter was set for reconvene hearing by telephone conference call at 9:30 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the tenant.

As the landlords did not attend the hearing by 9:40 A.M, to provide evidence to prove cause sufficient to terminate the tenancy, I find that the landlords have failed to prove that the notice was issued for the reasons stated.

Therefore, I order that the 1 Month Notice to End Tenancy for Cause issued on July 3, 2013, be cancelled. The tenancy will continue until legally ended in accordance with the Act.

As the tenant has been successful with their application, I find the tenant is entitled to recover the cost of the filing fee from the landlords. The tenant is authorized a one time rent reduction of \$50.00 from a future rent payable to the landlords in full satisfaction of this award.

Conclusion

The tenant's application is granted. The 1 Month Notice to End Tenancy for Cause, issued on July 3, 2013, is cancelled.

The tenant is entitled to a one time rent reduction of \$50.00 from a future rent payable to recover the cost of the filing fee from the landlord.

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 02, 2013

Residential Tenancy Branch

