



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## Decision and Reasons

### **Dispute Codes:**

CNR LRE AAT LAT RR FF

### **Introduction**

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the "Act") to hear this matter and decide the issues.

### **Issue(s) to be Decided**

This is the Tenant's application to cancel the 10 Day Notice to End Tenancy for Unpaid Rent dated June 2, 2009; to suspend or set conditions on the Landlord's right to enter the rental unit; to allow access to the rental unit for the Tenant or the Tenant's guests; to authorize the Tenant to change the locks to the rental unit; to allow the Tenant to reduce rent for repairs, services or facilities agreed upon but not provided; and to recover the cost of the filing fee from the Landlord.

### **Background and Evidence**

The Tenant testified that she personally served the Landlord DC with the Notice of Hearing Documents at the Landlord's residence on June 11, 2009.

The Tenant was highly emotional, did not provide any written evidence to the file, other than a copy of the Notice to End Tenancy, and was not able to provide meaningful testimony regarding the details of her claim.

**Analysis**

I accept the Tenant's affirmed testimony that she served the Landlord with the Notice of Hearing documents. This Hearing was scheduled for 3:00 p.m., June 17, 2009, via teleconference. Despite being served with the Notice of Hearing Documents, the Landlord had not appeared by 3:10 p.m.

The Tenant duly served the Landlord with the Notice of Hearing documents, but the Landlord did not attend the Hearing. I hereby cancel the Notice to End Tenancy dated June 2, 2009. The tenancy remains in full force and effect.

The Tenant did not provide written evidence to substantiate the remainder of her claim, nor was she prepared to give verbal testimony. Therefore, the remainder of the Tenant's claim is dismissed with leave to re-apply.

**Conclusion**

The 10 Day Notice to End Tenancy is cancelled. The tenancy remains in full force and effect.

The remainder of the Tenant's application is dismissed with leave to reapply.

June 19, 2009

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