

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking to cancel a Notice to End Tenancy issued to her for alleged cause, and to recover the filing fee for the Application.

The Tenant provided affirmed testimony that she served the Landlords with the Notice of Hearing and Application for Dispute Resolution by registered mail, sent August 12, 2009. The Tenant submitted documentary evidence that indicates the Landlords refused to accept delivery of the registered mail. However, under the Act the Landlords are deemed to have been served with the mail five days after mailing. Therefore, I find that the Landlords have been properly served under the Act. I further note that refusal to accept the registered mail is not a ground for review.

### Issues(s) to be Decided

Should the Notice to End Tenancy be cancelled?

### Background and Evidence

The Landlords failed to attend the hearing and did not provide evidence to support the causes alleged in the Notice to End Tenancy.

### Analysis

I find there is insufficient evidence to support the Notice to End Tenancy. **I Order that the Notice to End Tenancy is cancelled, and it is of no force or effect.** The tenancy continues until terminated in accordance with the Act.

The Tenant may deduct **\$50.00** from one rental payment in compensation for her filing fee.

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 24, 2009.

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Dispute Resolution Officer