

## **DECISION**

**Dispute Codes:** CNR

### **Introduction**

This application was brought by the tenants seeking to have set aside a Notice to End Tenancy for unpaid rent dated February 16, 2010.

Despite having been served with the Notice of Hearing sent by Expresspost on February 19, 2010 and shown by Canada Post's tracking system to have been delivered on March 4, 2010, the landlord did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

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

This matter requires a decision on whether the Notice to End Tenancy should be upheld or set aside.

### **Background and Evidence**

This tenancy began on November 1, 1999. Rent is \$770 per month and the landlord holds a security deposit of \$370 paid on or about November 1, 1999.

During the hearing, one of the tenants submitted a series of printouts from the Income Assistance Branch showing that cheques continued to be mailed to the landlord during the material times, although notations on the documents indicated that some cheques had not been cashed.

The other tenant submitted records of ATM "ABN TENANTPAY" payments to the landlord for material times although the latest two months were not available.

### **Analysis**

In the absence of any evidence from the landlord, and given that the evidence submitted established a pattern of on-time rent payments, I find that the Notice to End Tenancy of February 16, 2010 should be set aside.

### **Conclusion**

The Notice to End Tenancy of February 16, 2010 is set aside and the tenancy continues.

March 22, 2010