



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This hearing was scheduled for 11:00 a.m. on this date to hear the tenants' application to cancel a 1 Month Notice to End Tenancy for Cause. The landlord did not appear at the hearing despite leaving the teleconference call open until 11:10 a.m. The tenants testified that they served the landlord with notification of this hearing by placing the hearing documents in the mail slot of the landlord's agent's office in the building on November 29, 2010. I noted that the landlord had a different service address on the tenancy agreement and Notice to End Tenancy. The tenants testified that the agent for the landlord, who issued the Notice to End Tenancy, works from an office on the main floor of the building and accepts rent in that office and signs tenancy agreements in that office.

Although the delivery of hearing documents upon the landlord does not comply with section 89 of the Act, pursuant to the authority afforded me under section 71 of the Act, I order that the documents placed in the mail slot at the landlord's office located in the building on November 29, 2010 were sufficiently served for purposes of the Act. Therefore, I proceeded to hear from the tenants without the landlord present.

Issues(s) to be Decided

Should the 1 Month Notice to End Tenancy for Cause issued November 17, 2010 be upheld or cancelled?

Background and Evidence

The tenants confirmed receiving a 1 Month Notice to End Tenancy for Cause on their door on November 17, 2010. The tenants indicated the reasons on the Notice are false and the tenants wish to continue their tenancy.

Analysis

Where a Notice to End Tenancy is under dispute, it is upon the landlord to establish the reasons for issuing the Notice. In the absence of the landlord during this hearing, I find the landlord has not established a basis for issuing the Notice. Therefore, I cancel the Notice issued November 17, 2010 with the effect that this tenancy shall continue.

Conclusion

The Notice to End Tenancy issued November 17, 2010 has been cancelled and the tenancy continues.

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: December 14, 2010.

Dispute Resolution Officer