



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, OPC, FF

Introduction

This was a cross-application hearing.

The tenants provided affirmed testimony that on February 10, 2012, copies of the Application for Dispute Resolution and Notice of Hearing were given to the landlord at the door of his rental unit, in the late afternoon. Both tenants went to the landlord's door together; they reside in the lower unit of the home.

These documents are deemed to have been served in accordance with section 89 of the Act; however, the landlord did not appear at the hearing.

The tenants confirmed receipt of the landlord's Notice of hearing.

Preliminary Matter

As the landlord failed to attend the hearing in support of his application I dismissed the application.

Issue(s) to be Decided/Analysis

Should the 1 Month Notice Ending Tenancy for Cause issued on February 1, 2012, be cancelled?

The tenancy commenced on October 1, 2011; rent is due on the first day of each month.

Neither party submitted a copy of the 1 Month Notice issued by the landlord. The tenants stated it was issued on February 1, 2012, and indicated rent was repeatedly late and that the tenants had seriously jeopardized the health, safety and lawful right of the landlord.

The tenant's disputed the Notice within the required time-frame.

As the landlord was served with notice of the hearing and did not attend the hearing in support of the Notice; I determined that the Notice was of no force or effect and that the tenancy will continue until it is ended as provided by the Act.

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: February 28, 2012.

Residential Tenancy Branch