



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNL

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants to cancel a 2 Month Notice to End Tenancy for Landlord's use of Property, issued on April 30, 2013 and a 10 Day Notice to End Tenancy for Unpaid Rent issued on May 16, 2013 (the, "notices")

Although served with the Application for Dispute Resolution and Notice of Hearing on May 15, 2013, by registered mail, a Canada post tracking number was provided as evidence, the landlord did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the landlord has been duly served in accordance with the Act.

On May 21, 2013, the tenants' application was amended to include the 10 Day Notice to End Tenancy for Unpaid Rent issued on May 16, 2013. The amended application was served on May 21, 2013, by registered mail to the landlord, a Canada post tracking number was provided as evidence. I find that the landlord has been duly served with the tenants' amended application.

In a case where a tenant has applied to cancel a notice to end tenancy, the Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence and submissions first. The landlord has the burden of proving sufficient evidence to terminate the tenancy.

This matter was set for hearing by telephone conference call at 2:00 P.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing during this time were the tenants.

Therefore, as the landlord did not attend the hearing by 2:10 P.M. I find the landlord has failed to prove the notices were issued for the reasons stated.

As a result, the 2 Month Notice to End Tenancy for Landlord's use of Property, issued on April 30, 2013, is cancelled and has no force or effect. The 10 Day Notice to End Tenancy for Unpaid Rent issued on May 16, 2013, is cancelled and has no force or effect. The tenancy will continue until legally ended in accordance with 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: June 10, 2013

Residential Tenancy Branch

