



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, FF, MT, RP, OLC

### Introduction

The tenants apply to cancel a ten day Notice to End Tenancy for unpaid rent and more time to make their application. They also seek a repair order and an order that the landlord comply with the law.

The landlord did not attend the hearing. On the sworn evidence of the tenants I find that the landlord was duly served by registered mail sent June 13, 2013 and which, according to the records of Canada Post, went “unclaimed by recipient.”

The tenants’ application for more time is unopposed and I grant it, though it is not truly apparent that more time to apply was required.

On an application to challenge a Notice to End Tenancy, it is a landlord’s responsibility to attend and present evidence to justify the Notice. In the absence of that evidence here, I grant the tenants’ application and cancel the ten day Notice to End Tenancy dated May 31, 2013.

The tenants have failed to provide any particulars or details about what repair they seek or the basis for an order that the landlord comply with the law. I therefore dismiss that aspect of their claim, with leave to re-apply.

I award the tenants recovery of the \$50.00 filing fee for this application and I authorize them to reduce their next rent due by \$50.00 in full satisfaction of the 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: July 09, 2013

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Residential Tenancy Branch

