



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Neighbourhood Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNR

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has applied to set aside a Notice to End Tenancy for Unpaid Rent.

The Advocate for the Tenant stated that she personally served the Application for Dispute Resolution and Notice of Hearing to the Landlord's business office on October 02, 2013. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Landlord did not appear at the hearing.

Neither the Landlord nor the Tenant attended the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy for Unpaid Rent, served pursuant to section 46 of the *Act*, be set aside?

Background and Evidence

The Advocate for the Tenant stated that she believes the Tenant received the Ten Day Notice to End Tenancy that is the subject of this tenancy on September 23, 2013, although she does not know how it was received.

She stated that she believes the Landlord and the Tenant have entered into a payment plan for any outstanding rent; that the parties have agreed to continue the tenancy; and that the Landlord does not intend to rely on the Ten Day Notice to End Tenancy.

Analysis

On the basis of the information provided by the Advocate for the Tenant, I find it likely that the Landlord does not intend to end the tenancy on the basis of the Ten Day Notice

to End Tenancy. As the Landlord did not attend the hearing and the Landlord has submitted no evidence to show that there are grounds to end this tenancy in accordance with section 46 of the *Act*, I grant the Tenant's application to set aside the Notice to End Tenancy.

Conclusion

The Notice to End Tenancy that is the subject of this dispute is of no force or effect.

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: November 06, 2013

Residential Tenancy Branch

