



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, FF

### Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The parties failed to provide a copy of the 10 day Notice to End Tenancy. However, the tenant testified that the landlord served a copy of the 10 day Notice to End Tenancy on the tenants on November 5, 2013. I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on each of the landlords by mailing, by registered mail to the address provided by the landlords. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the Notice to End Tenancy dated November 5, 2013?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

### Background and Evidence

The applicants moved into the property on September 1, 2012. The applicant testified the agreement was that they could live on the rental unit in exchange for maintaining the property and taking care of the animals. The agreement was not in writing. The applicants did not pay a security deposit.

A dispute has arisen between the parties. The tenants take the position that the agreement did not require that the tenants pay cash rent to the landlord and their obligation was to maintain the property and take care of the animals only.

Analysis

The respondents failed to appear at the hearing. I waited 10 minutes past the scheduled start time. The respondents still had not attended. I proceeded in the absence of the landlords.

The landlords have the burden of proof to establish sufficient cause to end the tenancy. The landlords failed to present any evidence. As a result I ordered that the Notice to End Tenancy dated November 5, 2013 be cancelled. The arrangement between the parties shall continue with the rights and obligations of the parties remaining unchanged. I further order that the landlords pay to the tenants the sum of \$50 for the cost of the filing 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: January 06, 2014

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Residential Tenancy Branch

