



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNR FF

Introduction

This hearing convened pursuant to the tenant's application to cancel a notice to end tenancy for unpaid rent. The tenant attended the teleconference hearing but the landlord did not.

The tenant stated that she sent the landlord the application for dispute resolution and notice of hearing by registered mail on January 14, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the landlord was deemed served with notice of the hearing on January 19, 2014, and I proceeded with the hearing in the absence of the landlord. The teleconference line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the tenant.

Preliminary Issue – Landlord Non-Appearance

When a tenant applies to cancel a notice to end tenancy, the landlord must provide evidence to establish the validity of the notice. As the landlord did not appear in this hearing, despite being served with the application and notice of hearing, I accordingly cancel the notice to end tenancy.

The tenant's application to cancel the notice to end tenancy was successful, and she is therefore entitled to recovery of her \$50 filing fee for the cost of this application.

Conclusion

The notice to end tenancy is cancelled, with the effect that the tenancy continues until it is ended in accordance with the Act.

The tenant is entitled to recovery of the \$50 filing fee, and she may therefore withhold this amount from her next month's rent.

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 24, 2014

Residential Tenancy Branch