



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNR

Introduction

This hearing dealt with an application by the tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice), dated April 26, 2014. The tenant also applied for more time to make their application; however, this is not necessary as the tenant applied to dispute the Notice within the statute time prescribed to do so.

I accept the tenant's document evidence and testimony that despite the landlord having been personally served with the application for dispute resolution and notice of hearing by on May 16, 2014, in accordance with Section 89 of the Residential Tenancy Act (the Act) the landlord did not participate in the conference call hearing. The tenant provided a statement by 3 individuals as witnessing the landlord was served. The tenant was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Should the Notice to End dated April 26, 2014 be set aside?

Background and Evidence

The landlord did not appear in the hearing to defend their reasons respecting the Notice to End was validly issued, nor to request an Order of Possession. The tenant testified that all the rent purported as unpaid – was paid - and they are in the process of obtaining evidence for the landlord indicating the pad rent was paid.

Analysis

On preponderance of the evidence before me I find the landlord has not provided evidence that the Notice to End was issued for valid reasons and did not attend the hearing to support their Notice. As a result, **I Order** the Notice to End dated April 26,

2014 is **cancelled**, or set aside. If necessary, the landlord is at liberty to issue another new Notice to End for *valid* reasons.

Conclusion

The tenant's application is granted. The landlord's Notice to End is **set aside and is of no effect**. The tenancy continues.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Manufactured Home Park Tenancy Act.

Dated: June 16, 2014

Residential Tenancy Branch

