



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NVY Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

Landlord's application: OPR; MNR; FF

Tenants' application: CNR

Introduction

This Hearing was convened to consider cross applications. The Landlord seeks an Order of Possession and a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenants.

The Tenants seek to cancel the Notice to End Tenancy for Unpaid Rent issued September 2, 2014.

The Tenant gave affirmed testimony at the Hearing. He stated that he did not know how the co-tenant served the Landlord with the Tenants' Notice of Hearing documents, and that the co-tenant was not available to provide that information. I explained to him that we could not proceed with the Tenants' application without proof that the Landlord had been served with Notice of the Hearing.

The Tenant confirmed that the Landlord served him with its Notice of Hearing documents for the Landlord's application for an Order of Possession.

The Landlord did not sign into the Hearing, which remained open for 20 minutes.

The onus is on the Landlord to provide sufficient evidence that the tenancy should end for the reasons provided on the Notice to End Tenancy. In this case, the Landlord has provided no evidence in support of the Notice. Therefore, I dismiss the Landlord's application without leave to reapply. I also find that the Notice is not a valid Notice.

Conclusion

The Notice to End Tenancy for Unpaid Rent issued September 2, 2014, is cancelled. The tenancy will continue until it is ended in accordance with the provisions of the Act.

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: October 29, 2014

Residential Tenancy Branch

