



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 the Tenant's application to cancel a *10 Day Notice to End Tenancy for Unpaid Rent* issued August 8, 2014 (the Notice).

The Tenant's agent gave affirmed testimony at the Hearing. The Landlord did not sign into the Hearing, which remained open for 15 minutes.

Preliminary Matter

At the outset of the Hearing, the Tenants' agent testified that the Tenant served the Landlord with the Notice of Hearing documents on August 22, 2014, by registered mail. The Tenant provided the registered mail receipt and tracking numbers in evidence. Based on the Tenants' agent's affirmed testimony and the documentary evidence provided, I am satisfied that the Landlord was duly served with the Notice of Hearing documents.

The Tenants' agent stated that she did not believe that the Landlord would sign into the Hearing because the situation had been resolved. She stated that the issue arose because the Tenants' rent was deposited directly to the Landlord by the Ministry of Social Development and Social Initiative and that there was a lag in the Ministry providing the Landlord with a recent rent increase. She stated that the Ministry has since paid the total amount of rent due to the Landlord and that the Landlord has reinstated the tenancy.

When a landlord seeks to end a tenancy, the onus is on the landlord to prove on the balance of probabilities that the tenancy should end for the reasons indicated on the notice to end tenancy. In this case, the Landlord did not provide any evidence to support the Notice.

For the reasons set out above, I find that the Notice is not a valid notice to end the tenancy and it is canceled. The tenancy will continue until it is ended in accordance with the provisions of the Act.

Conclusion

The Notice to End Tenancy issued August 8, 2014, is cancelled. The tenancy remains in full force and effect 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 20, 2014

Residential Tenancy Branch

