



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, FF

Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy and a cross-application by the landlord for an order of possession and a monetary order. The landlord did not appear at the conference call hearing. The tenant testified that he served the corporate landlord and the two directors by sending the application for dispute and notice of hearing to them via registered mail. I found that the tenant had properly serve the respondents with notice of the hearing and the claim against them and the hearing proceeded in their absence.

The tenant testified that he had not been served with notice of the landlord's claim for an order of possession and a monetary order. As the tenant had no notice of this claim, I dismiss the claim without leave to reapply.

Issue to be Decided

Should the notice to end tenancy be set aside?

Background and Evidence

The tenant's undisputed evidence is as follows. The rental unit is owned by a corporate landlord and managed by two people who are in the process of dissolving their marriage. The tenant was served with a court order dated August 28, 2014 directing him to pay his rent to the husband, V.O. The tenant paid his September rent to V.O. and on September 2, the wife, N.T., served the tenant with a 10 day notice to end tenancy for unpaid rent.

Analysis

I find that the tenant acted in accordance with the BC Supreme Court order by paying his rent to V.O. and I find that no rent was owing at the time N.T. served the notice to

end tenancy. I therefore find that the notice is of no force or effect and I set it aside. As a result, the tenancy will continue.

Conclusion

The notice is set aside. The landlord's claim is dismissed.

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 30, 2014

Residential Tenancy Branch

