



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt was convened as the result of the tenants' application for dispute resolution under the Residential Tenancy Act (the "Act"). The tenants applied for an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice").

The tenants attended the telephone conference call hearing; the landlord did not attend. The tenants submitted that they served the landlord with the Application for Dispute Resolution and Notice of Hearing by registered mail on November 20, 2014. The tenants supplied testimony of the tracking number of the registered mail.

Based upon the submissions of the tenants, I find the landlord was served notice of this hearing and the tenants' application in a manner complying with section 89(1) of the Residential Tenancy Act (the "Act") and the hearing proceeded in the landlord's absence.

The tenants were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Are the tenants entitled to an order cancelling the Notice?

Background and Evidence

The tenants submitted that the tenancy began on October 4, 2013, and monthly rent was \$1000, payable in two monthly installments of \$500.

The tenants submitted that they received the landlord's Notice on November 14, 2014, and that they are vacating the rental unit by the week following this hearing.

Analysis

When a landlord issues a notice to end a tenancy and the tenant files an application to dispute the notice, the landlord must prove that there is sufficient reason under the Act to end the tenancy.

As the landlord did not appear in the hearing to support her Notice, after being properly served with the notice of this hearing, I order that the Notice dated November 14, 2014 be cancelled, with the effect that the tenancy continues until it may legally end under the Act.

Conclusion

The tenants' application is granted as I have cancelled the landlord's Notice, dated November 11, 2014.

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: December 16, 2014

Residential Tenancy Branch

