



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, FF

Introduction

This hearing was convened as a result of the Tenants' application for dispute resolution under the *Residential Tenancy Act* (the "Act") for an Order canceling a Notice to End Tenancy given for Cause issued November 1, 2014, a Notice to End Tenancy for Unpaid Rent or Utilities issued December 2, 2014 (collectively referred to as the "Notices") and to recover the filing fee.

The Tenants S.B., A.W., D.K. appeared on their own behalf and had a witness T.W. available to testify. The Landlord did not appear.

The hearing process was explained and the participants were asked if they had any questions. All participants provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

As the Landlord did not appear, service of the Tenants' application was considered. S.B. testified that he served the Landlord's agent, his son, at approximately 11:00 a.m. on November 27, 2014. S.B. testified that he and the Landlord attended the Branch on December 4, 2014 to discuss the 10 Day Notice to End Tenancy. At that time, the Tenant amended his application. The Landlord then filed documents at the Branch also on December 4, 2014 and in which the Landlord references the file number as well as the hearing date. Accordingly, I find the Landlord was served in accordance with the Act.

Issues to be Decided

Should the Notices be cancelled?

Analysis

The Tenants applied, pursuant to section 47(4) of the Act for an order setting aside the Notices. When a Tenant disputes a notice to end tenancy, the onus is on the Landlord to prove the tenancy should end for the reasons set out in the notices. As the Landlord failed to attend and provide evidence in support of the Notices, I grant the Tenant's request to cancel the Notices. The tenancy will continue until ended in accordance with the Act.

The Tenants, having been successful are entitled to recover the fee paid to file their application. They are permitted to reduce their next month's rent by \$50.00.

Conclusion

The Landlord has failed to attend the hearing and provide evidence in support of the Notices. As such, they are set aside. The Tenants are granted a monetary order in the amount of \$50.00 to compensate them for the application fee.

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 22, 2014

Residential Tenancy Branch

