



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: CNC

Introduction

The tenants have applied for an order pursuant to section 47(4) of the Residential Tenancy Act to set aside a Notice of End a Residential Tenancy dated June 24, 2015 and setting the end of tenancy for July 31, 2015. The tenants also applied for an Order to restrict the landlord's right of entry, comply with the Act and a Monetary Order for breach of the covenant of quiet enjoyment. Only the tenants attended the application.

Preliminary matters:

The tenants indicated several matters of dispute on their application and confirmed that the main issue to deal with during this proceeding is the Notice to End Tenancy. For disputes to be combined on an application they must be related. Not all the claims on this application are sufficiently related to the main issue to be dealt with together. I will deal with the tenants' request to set aside or cancel the Notice to End Tenancy for Cause and I dismiss the balance of the tenants' claims with liberty to re-apply.

Issue(s) to be Decided

Are the tenants entitled to an Order cancelling the Notice to End the Tenancy?

Background and Evidence

I find that the Application for Arbitration/Notice of Hearing dated June 24, 2015 was personally served on the landlord on June 28, 2015 by handing it to her. The amended application dated July 16, 2015 was not served.

Once a tenant disputes a Notice to End the Tenancy it is the landlord that has the onus

to prove Cause.

A hearing was scheduled with respect to this matter by teleconference. The respondent failed to participate in the hearing at the appointed time notwithstanding the elapse of **nineteen** minutes. Accordingly I found that the landlord failed to prove Cause. I have therefore allowed the tenants' application and cancelled the Notice to End the Tenancy dated June 24, 2015 with an effective date of July 31, 2015.

Conclusion

I have cancelled the Notice to End the Tenancy dated June 24, 2015 with an effective date of July 31, 2015. The tenancy is confirmed. I have granted the tenants a monetary Order in the amount of \$ 50.00 representing the recovery of the filing fee herein. The tenants must serve the respondent with this decision and Order as soon as possible. I have dismissed all other applications with leave to reapply.

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: August 25, 2015

Residential Tenancy Branch

