



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding JASPAL SAROYA and PAUL SAROYA  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, O

### Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution wherein the Tenants requested an order canceling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on January 27, 2016 (the "10 Day Notice").

The Tenants also indicated they sought "other relief" on the application for Dispute Resolution. During the hearing the Tenant, R.S., confirmed that this request related to a broken window which has since been repaired. He confirmed the Tenants no longer wished to proceed with this request.

Only the Tenants appeared at the hearing. They gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Tenant, R.S., testified served that he personally served the Landlords' agent, C.Y., with the Notice of Hearing and their Application on February 3, 2016. C.Y. was the person who signed the Notice and as such I find the Landlords were duly served as of February 3, 2016.

*Residential Tenancy Branch Rules of Procedure Rule 11.1* provides that when a Tenant applies to set aside a Notice to End Tenancy, the respondent Landlord must present their case first as the onus is on the Landlord to prove the Notice.

In this case, the Landlords did not attend the hearing. Accordingly, I find that the Landlords have failed to prove the Notice and the Notice is consequently cancelled. The tenancy will continue until ended in accordance with the *Residential Tenancy Act*.

R.S. stated that the Landlords also issued a 1 Month Notice to End Tenancy for Cause a few days after the 10 Day Notice. R.S. stated that he applied to cancel the 1 Month

Notice as well, and was informed that the hearing of that application would occur at the same time as the present application. The Tenant's application to cancel the 1 Month Notice was not before me, accordingly, I make no findings in that regard.

Conclusion

The Landlords failed to attend the hearing. The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on January 27, 2016 is cancelled.

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: March 03, 2016

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Residential Tenancy Branch

