



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LARLYN PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

On March 9, 2016 the Tenants made an Application for Dispute Resolution to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated March 4, 2016. The Tenants also requested a monetary order for money owed or compensation, to order the landlord to comply with the Act, regulation or tenancy agreement, for a repair order and to reduce rent due to repairs.

The matter was set for a conference call hearing at 11:00 a.m. on this date. The Tenants attended the teleconference hearing; however, the Landlord did not. The phone line remained open and was monitored for ten minutes and the Landlord did not call into the hearing during this time.

Preliminary and Procedural Matters

The Rules of Procedure permit an Arbitrator to exercise discretion to dismiss unrelated claims with or without leave to reapply. As the primary issue to decide is whether or not the tenancy has ended, I have dismissed the Tenants other claims with leave to reapply.

Issue to be Decided

Should the 10 Day Notice dated March 4, 2016 be cancelled?

Background and Evidence

The Tenants disputed the Notice on March 9, 2016 within the appropriate timelines. The Tenants testified that they served the Notice of Hearing on the Landlord by registered mail on March 12, 2016. The Tenants provided the tracking number of the registered mail receipt. The Tenants also testified that they have reached an

agreement with the Landlord to pay half of the rent amount while repairs are being completed on the rental unit.

Analysis

In the matter before me, the landlord has the onus of proof to prove that the 10 Day Notice is valid. I find that the Landlord was properly served with the Notice of Hearing and failed to attend the hearing to prove the allegation within the Notice.

Therefore, as the Landlord did not attend the hearing by 11:10 AM, I cancel the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated March 4, 2016.

I ORDER the tenancy to continue until ended in accordance with the Act.

Conclusion

The Tenants' application is successful. The 1 Month Notice issued by the Landlord dated March 4, 2016 is cancelled.

The tenancy will continue until ended in accordance with the Act.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: April 22, 2016

Residential Tenancy Branch