



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OPT, FF

Introduction

The tenants apply to cancel a two month Notice to End Tenancy dated March 1, 2016 and for an order of possession.

Neither landlord attended the hearing within twenty minutes after its scheduled start time.

The tenants demonstrate that the landlords were served with the application and notice of hearing by registered mail addressed sent March 3, 2016 to the address given by them in the Notice. The tracking number for the mail is shown on the cover page of this decision. Canada Post records for that tracking number show that the material was mailed March 3, 2016 and went “unclaimed by recipient,” ultimately being returned to the tenant senders.

I find that the landlords have been duly served in accordance with s. 88 and 90 of the *Residential Tenancy Act*.

When a tenant applies to challenge an eviction notice, the initial burden of proving that the Notice was justified falls to the landlord giving it.

In the absence of such evidence, the Notice cannot stand. I hereby cancel the Notice.

The tenants are and have been in continuous possession of the rental unit. An order of possession is not required.

I grant the tenants recover of the \$100.00 filing fee for this application. They will have a monetary order against the landlords in that amount.

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: April 04, 2016

Residential Tenancy Branch

