



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the 10 day Notice to End Tenancy dated April 1, 2016. The Notice to End Tenancy alleges the Tenant has failed to pay the utilities and \$150 remains outstanding.

A hearing was conducted by conference call in the presence in the present of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the respondent on May 4, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated April 1, 2016?

Background and Evidence

The tenant entered into a tenancy agreement with the owner which provided that the tenancy would start of November 1, 2014. The rent was \$300 per month plus \$50 for hydro and \$50 gas per month payable in advance.

The tenant testified the person who is identified as the landlord on the Notice to End Tenancy and who served the Notice is not her landlord. He is another Tenant living in the rental property. Further, she testified she has paid her share of the utilities.

Analysis:

The respondent failed to contact the telephone bridge number at the scheduled start time. The telephone line conference line remained open and the phone system was monitored for ten minutes. The respondent failed to appear. I then proceeded with the hearing in the absence of the respondent.

I determined the Respondent is not the tenant's landlord and he had no right to serve the Notice to End Tenancy on the Tenant. Further I determine the Tenant has paid her share of the utilities.

Determination and Orders:

As a result I ordered that the 10 day Notice to End Tenancy be cancelled. The tenancy shall continue with the rights and obligations of the parties remaining unchanged.

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: June 02, 2016

Residential Tenancy Branch