



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

This hearing was scheduled for 9:30 a.m. on this date to deal with a tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent. The tenant appeared at the hearing but the landlords did not despite leaving the teleconference call open until 9:41 a.m. The tenant named two respondents in filing this application. The tenant stated that one she considers her landlord and the other is a caretaker on the property although I noted that the caretaker signed and served the tenant with the 10 Day Notice. Based on this description I was satisfied that the caretaker has been acting as an agent for the landlord and meets the definition of landlord under the Act. The tenant testified that she served her hearing package upon the landlord, in person, at his restaurant on December 7, 2016. I was satisfied the landlords have been sufficiently served with notification of this hearing and I continued to hear from the tenant without the landlord present.

The tenant acknowledged that she still owes the landlord \$500.00 in rent but that she and the landlord have a payment plan in place to satisfy the arrears.

Where a tenant disputes a Notice to End Tenancy the landlord bears the burden to prove that the tenancy should end for the reasons indicated on the Notice. Since the landlord did not appear at the hearing, the landlord did not meet this burden. Further, it would appear the parties have reached a mutual agreement in resolution of their dispute. Therefore, I grant the tenant's request to cancel the 10 Day Notice and as a result the tenancy continues at this time.

A filing fee was not paid for this Application so there is no award for recovery of the filing fee.

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: January 11, 2017

---

Residential Tenancy Branch