



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

TON VENTURES LTD.

DECISION

Dispute Codes CNC, FF

Introduction

The tenants apply to cancel a one month Notice to End Tenancy for cause dated February 10, 2017.

The landlord did not attend the hearing within ten minutes after its scheduled start time nor did it file any material in support of the Notice.

The tenant Mr. E. showed that the application and notice of hearing documents were served on the landlord by registered mail (Canada Post tracking number shown on cover page of this decision).

Canada Post records show that the mail was sent to the landlord on February 21, 2017 but went "unclaimed by recipient" and was returned to the sender.

I find that the landlord has been duly served with the application and notice of hearing within s. 88 of the *Residential Tenancy Act*. A party cannot avoid the dispute resolution process by declining to collect its mail in a timely fashion.

When a tenant applies to cancel a Notice to End Tenancy, the initial burden is on the landlord to present evidence justifying the issuance of the Notice. The landlord has failed to do so in this case and as a result the Notice is hereby cancelled.

As the tenants have been successful, they are entitled to recover the \$100.00 filing fee paid for this application. I authorize them to reduce their next rent due by \$100.00 in full satisfaction of the 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: March 16, 2017

Residential Tenancy Branch