



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT

Introduction

This hearing was convened by way of conference call in response to the Tenants' Application for Dispute Resolution (the "Application") filed on April 13, 2017 to cancel a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice"), and for more time to cancel the 1 Month Notice.

The Tenants appeared for the hearing and provided affirmed testimony as well as documentary evidence prior to the hearing. However, there was no appearance for the Landlord during the 24 minute hearing. Therefore, I turned my mind to the service of documents for this hearing.

The Tenants testified that they served a copy of the Application and the Hearing Package to the Landlord by registered mail on April 26, 2017. The Tenants provided the Canada Post tracking number into oral evidence to verify this method of service; this number is documented on the front page of this Decision.

The Tenants testified that there may have been any issue with Canada Post regarding the service address it was sent to, but they testified that the Landlord had acknowledged receipt of the documents for this hearing as the Landlord had served the Tenants with documentary evidence prior to this hearing. I note that this evidence from the Landlord was also before me.

Based on the undisputed evidence of the Tenants and the submission of evidence from the Landlord prior to this hearing, I am satisfied that the Landlord was served with the Tenants' Application and notice of this hearing pursuant to Section 89(1) (c) of the *Residential Tenancy Act* (the "Act").

The Tenants provided a copy of the 1 Month Notice dated March 21, 2017 into evidence which they had received from the Landlord who had placed it into their mail box. The

Tenants argued that they did not agree with the reasons on the 1 Month Notice for which the Landlord had elected to end the tenancy.

Analysis and Conclusion

Rule 7.4 of the Residential Tenancy Branch Rules of Procedure states that evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent fails to attend the hearing to present evidence, any written submissions supplied may or may not be considered.

The Landlord failed to appear for the hearing to argue and rebut the Tenants' case for more time to cancel the 1 Month Notice. The Tenants disputed the Landlord's reasons on the 1 Month Notice. As the Landlord failed to appear for the hearing to present the documentary evidence submitted and provide oral testimony to prove that this tenancy should end, I must now cancel the 1 Month Notice.

Conclusion

For the reasons set out above, I grant the Tenants' request to cancel the 1 Month Notice dated March 21, 2017. The tenancy will continue until it is ended in accordance with the Act.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: May 26, 2017

Residential Tenancy Branch