



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT, CNC, OLC, ERP, RP, LRE, FF

### Introduction

This hearing was convened by way of conference call in response to the Tenant's Application for Dispute Resolution (the "Application") filed on April 28, 2017 for the following reasons:

- to cancel a One Month Notice to End Tenancy for Cause (the "One Month Notice");
- for more time to cancel the One Month Notice;
- for the Landlord to comply with the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement;
- to make repairs and emergency repairs to the rental unit;
- to recover the filing fee from the Landlords; and
- to suspend or set conditions on the Landlords' right to enter the rental unit.

The Tenant appeared for the hearing and provided affirmed testimony. The Tenant confirmed that the only documentary evidence he had provided prior to this hearing was a copy of the One Month Notice. However, there was no appearance for the Landlords during the 18 minute hearing or any submission of evidence prior to the hearing. Therefore, I turned my mind to the service of documents for this hearing by the Tenant.

The Tenant testified that he served a copy of the Application and the Hearing Package to each Landlord by registered mail on May 1, 2017. The Tenant provided the Canada Post tracking number for each Landlord into evidence to verify service. The Canada Post website shows that the documents were signed and received for by the Landlords on May 5, 2017. Based on the undisputed evidence before me I find the Tenant effected service on the Landlords for this hearing pursuant to Section 89(1) (c) of the Act.

During the hearing, the Tenant confirmed that he only wanted to have the One Month Notice cancelled because he had not provided his evidence to support the other issues

on the Application. Accordingly, the Tenant withdrew the remaining issues on his Application for which I provided leave to re-apply.

With respect to the Tenant's request to cancel the One Month Notice, the Tenant stated that he disputed the reasons and that the One Month Notice was incomplete because it did not contain the Tenant's full name and the name of the Landlord.

### 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 One Month Notice. The Tenant disputed the Landlord's reasons on the 1 Month Notice. As the Landlord failed to appear for the hearing to present the merits of the reasons for ending the tenancy and the validity of the One Month Notice, I grant the Tenant's Application to cancel it.

### Conclusion

For the reasons set out above, I grant the Tenants' request to cancel the One Month Notice dated April 7, 2017. The tenancy will continue until it is ended in accordance with the Act. The remainder of the Tenant's Application is dismissed with leave to re-apply. As the Landlord failed to appear, the Tenant is granted the recovery of his filing fee. The Tenant may achieve this relief by deducting \$100.00 from his next installment of rent or enforcing the attached Monetary Order.

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: June 02, 2017

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Residential Tenancy Branch