



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

On July 7, 2017, the Tenant made an Application for Dispute Resolution to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated July 3, 2017.

The matter was set for a conference call hearing. The Tenant and her advocate attended the teleconference hearing; however, the Landlord did not. The Tenant was provided with the opportunity to present affirmed oral testimony and to make submissions during the hearing.

The Tenant testified that she received a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated July 3, 2017, from the Landlord's agent Mr. D.M.

The Tenant testified that the Landlord's agent, Mr. D.M. was served with the Notice of Hearing package on July 14, 2017, in person. The Tenant testified that she had her friend serve the Notice of Hearing to the Landlord in person. The Tenant provided a signed statement from her friend, Mr. J.P. that indicates he served the dispute resolution package to the Landlord on July 14, 2017.

The Tenant testified that the Landlord's agent Mr. D.M. is no longer working as the Landlord's agent. She testified that he was the Landlord's agent at the time that he was served with the Notice of Hearing.

The Tenant testified that since applying for dispute resolution, she has paid the rent to a new property manager.

Analysis

Based on the testimony and evidence of the Tenant and on a balance of probabilities, I make the following findings:

In the matter before me, the Landlord has the onus of proof to prove that the 10 Day Notice is valid. There is no evidence before me that the Landlord applied for dispute resolution. I find that the Landlord was served with the Notice of Hearing and failed to attend the hearing to prove the allegation within the Notice.

Therefore, as the Landlord did not attend the hearing by 9:10 AM, I cancel the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated July 3, 2017.

I order the tenancy to continue until ended in accordance with the Act.

Conclusion

The Tenants' application is successful. The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued by the Landlord dated July 3, 2017, is cancelled.

The tenancy will continue until 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 *Residential Tenancy Act*.

Dated: September 21, 2017

Residential Tenancy Branch