



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding 1037754 BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, FF

Introduction

The tenant seeks to cancel a two month Notice to End Tenancy dated August 30, 2017.

No representative of the landlord attended the hearing within ten minutes after its scheduled start time. The tenant shows that the landlord was served with the application and notice of hearing by registered mail (Canada Post tracking number shown on cover page of this decision). Canada Post records show that the mail was sent August 25, 2017 and went "unclaimed by recipient."

A party cannot avoid this process by declining to collect mail. I find that landlord was duly served.

The initial burden of proof falls to a landlord to establish that a Notice to End Tenancy has been given for proper cause. The landlord has failed to do so in this case and I cancel the Notice to End Tenancy.

The tenant is entitled to recover the \$100.00 filing fee for this application. He will have a monetary order against the landlord in the amount of \$100.00.

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: November 11, 2017

Residential Tenancy Branch