



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

The tenants apply to cancel a one month Notice to End Tenancy for cause dated August 15, 2017.

The landlord did not attend the hearing within fifteen minutes after its start time.

The tenants show that the landlord was served with the application and notice of hearing by registered mail (tracking number shown on cover page of this decision). Canada Post records show that the mail went “unclaimed by recipient.” A party cannot avoid this process by declining or neglecting to claim mail. I find that the landlord has been duly served.

On applications of this nature the initial burden to justify an eviction notice lies with the landlord. As the landlord did not attend and present evidence, he has not satisfied that burden and as a result, the Notice in question is hereby cancelled.

The tenants are entitled to recover the \$100.00 filing fee paid for this application. I authorize them to reduce their next rent 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: November 07, 2017

Residential Tenancy Branch