



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes: CNR, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the 10 day Notice to End Tenancy dated September 1, 2017

The respondent failed to appear at the scheduled start time of the hearing. The applicant was present and ready to proceed. The telephone line remained open while the phone system was monitored for ten minutes. The respondent failed to appear. I then proceeded with the hearing.

I find that the Notice to End Tenancy was personally served on the Tenant on September 1, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on September 6, 2017. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issue to be decided is whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated September 1, 2017?

Background and Evidence:

The tenancy began in March 2017. The tenancy agreement provided that the tenant(s) would pay rent of \$800 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$400 at the start of the hearing.

The tenant testified that he has attempted to pay the rent but the landlord has refused to accept payment and refused to facilitate the payment by signing the Intent to Rent form which is necessary to obtain the rent money from the Ministry.

He further testified the respondent has recently been given an eviction notice. Further there has been a suicide by another tenant and a fire in the rental property. He is presently looking for another place to move to but has not been successful.

Analysis:

The landlord has the burden of proof to establish sufficient cause to end the tenancy. The landlord failed to attend the hearing and failed to present sufficient evidence to establish cause to end the tenancy.

As a result I ordered that the 10 day Notice to End Tenancy dated September 1, 2017 be cancelled. The tenancy shall continue with the rights and obligations of the parties remaining unchanged.

This decision is final and binding on the parties.

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 29, 2017

Residential Tenancy Branch