



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code CNR

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on October 6, 2017 (the "Application"). The Tenants applied for an order cancelling a notice to end tenancy for unpaid rent or utilities, pursuant to the *Residential Tenancy Act* (the "Act").

The Tenants attended the hearing on their own behalves and provided affirmed testimony. They were accompanied by S.W., an advocate. The Landlord was not represented at the hearing.

The Tenants confirmed the Landlord was served with the Application package by registered mail on October 5, 2017. According to B.S., the Application package was sent to an address for service provided by the Landlord. Pursuant to sections 89 and 90 of the *Act*, documents served in this manner are deemed to be received five days later. I find the Landlord is deemed to have received the Application package on October 10, 2017.

On behalf of the Tenants, B.S. acknowledged that a notice to end tenancy for unpaid rent or utilities was received on October 3, 2017, although a copy of the notice was not included with the Tenants' documentary evidence. Further, according to L.S., rent was paid in full by the Tenants. She offered this as an explanation for why the Landlord was not represented at the hearing.

In any event, the Landlord did not attend the hearing to provide evidence in support of the notice to end tenancy. Accordingly, I find that the notice to end tenancy for unpaid rent or utilities, which was received by the Tenants on October 3, 2017, is cancelled. The tenancy will continue until otherwise ended in accordance with the *Act*.

Conclusion

I order that the notice to end tenancy for unpaid rent or utilities, received by the Tenants on October 3, 2017, is cancelled. The tenancy will continue until otherwise 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: December 18, 2017

Residential Tenancy Branch