



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC FF

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. A hearing by telephone conference was held on February 15, 2018, at 11:00 am. The Tenants applied for the following remedy, pursuant to the *Residential Tenancy Act* (the *Act*):

- cancellation of the Landlord's 1 Month Notice pursuant to section 47 (the Notice).

One of the Tenants attended the teleconference hearing; however, the Landlord did not. The Tenant testified that he served the Landlord with his application package on December 1, 2017, by registered mail. Pursuant to section 88 and 90 of the Act, I find the Landlord is deemed to have received this package on December 6, 2017, the fifth day after its registered mailing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Should the Notice be cancelled?

Background, Evidence, and Analysis

The Tenant stated that the rental property was being sold at the time he got the Notice, and the Landlord issued it with no basis. The Notice was issued on November 22, 2017, and since that time, the property has sold and there are now new owners of the property, as of January 31, 2018. The Tenant stated that he and the other tenant are still in the rental unit, and the person

who issued this Notice is no longer their Landlord, because he has since sold the property. The Tenant stated that they are now paying rent to the new owners.

In the matter before me, the Landlord who issued the Notice has the onus of proof to prove that the Notice is valid. I find that the Landlord was properly 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 11:10 AM on February 15, 2018, I cancel the Notice, dated November 22, 2017.

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

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. As the Tenants were successful in their application, I order the Landlord to repay the \$100.00 fee that the Tenants paid to make application for dispute resolution. The Tenants are entitled to a monetary order for this amount.

Conclusion

The Tenant's application is successful. The Notice issued by the Landlord dated November 22, 2017, is cancelled.

The tenancy will continue until ended in accordance with the Act.

The Tenants are granted a monetary order pursuant to Section 67 in the amount of **\$100.00**. This order must be served on the Landlord. If the Landlord fails to comply with this order the Tenants may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: February 16, 2018

Residential Tenancy Branch