



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, MNDC, OLC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the “Act”), to be allowed more time to file an application to dispute a notice to end tenancy, to cancel 1 Month Notice to End Tenancy for Cause, (the “Notice”) issued on November 30, 2018, for a monetary order for money owed and to have the landlord comply with the Act.

The tenant attended the hearing. As the landlords did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondents must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant testified the Application for Dispute Resolution and Notice of Hearing were served in person on December 16, 2018.

I find that the landlords have been duly served in accordance with the Act.

The tenant appeared gave testimony and were provided the opportunity to present their evidence orally and in written, documentary form, and make submissions at the hearing.

Preliminary and Procedural matters

At the outset of the hearing the tenant confirmed that their monetary portion of their claim is due to a work agreement. The tenant indicated that they would be making that claim in Provincial Small Claims Court.

In this case, the tenant has applied for more time to be allowed to make an application to dispute a notice to end tenancy. However, I find the tenant filed their application within the statutory time limit under the Act. Therefore, I do not need to consider this portion of the tenant's claim.

Issue to be Decided

Should the Notice issued be cancelled?

Background and Evidence

The tenant testified that they received the Notice on December 2, 2018. The tenant denied that they owed rent.

Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

This matter was set for hearing by telephone conference call at 11:00 A.M. on January 22, 2018. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the tenant. Since the landlords did not attend the hearing by 11:10 A.M. to present any evidence or submission in support of the Notice. I find that the landlords have failed to provide sufficient evidence.

Therefore, I grant the tenant's application to cancel the Notice and the Notice has no force or effect. The tenancy will continue until legally ended in accordance with the Act.

Conclusion

The tenant's application to cancel the Notice is granted. The tenancy will continue until legally 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: January 23, 2019

Residential Tenancy Branch