



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT CNR LRE MNDC PSF

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. A participatory hearing, by teleconference, was held on March 19, 2019. The Tenants applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

One of the Tenants, S.S., attended the teleconference hearing; however, the Landlord did not. The Tenant testified that he personally served the Landlord with his application and evidence on February 6, 2019. I am satisfied the Landlord has been sufficiently served with the application package and the Notice of Hearing on February 6, 2019.

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.

Preliminary and Procedural Issues

The Tenants are seeking multiple remedies under multiple sections of the *Act*, a number of which were not sufficiently related to one another. Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After looking at the list of issues, and based on the evidence before me, I find the most pressing and related issues in this application are related to the payment/non-payment of rent and the order of possession (whether or not the tenancy will continue, or end, based on the 10 Day Notice issued.) As a result, I exercise my discretion to dismiss,

with leave to reapply, all of the grounds on the Tenants' application with the exception of the following grounds:

- To cancel a 10-Day Notice (the Notice) for unpaid rent or utilities

Issue to be Decided

- Should the Notice be cancelled?

Background, Evidence, and Analysis

The Tenants stated that they received the Notice from the Landlord on February 5, 2019. Although the Tenants stated that there has been another 10 Day Notice issued since that time, they did not file an amendment to include the dispute of that Notice, and have only filed to dispute the first 10 Day Notice, received on February 5, 2019.

In the matter before me, the Landlord 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 9:40 AM on March 19, 2019, I cancel the Notice, dated February 5, 2019.

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

Conclusion

The Tenant's application is successful. The Notice issued by the Landlord dated February 5, 2019, is cancelled.

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: March 21, 2019

Residential Tenancy Branch