



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KI-LOW-NA FRIENDSHIP SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Code    CNQ   FF

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on October 6, 2019 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a Two Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit, dated September 26, 2019 (the "Two Month Notice"); and
- an order granting recovery of the filing fee.

The Tenants attended the hearing and provided affirmed testimony. Although the phone system was monitored for 11 minutes no participant called into the hearing on behalf of the Landlord.

The Tenants testified the Notice of Dispute Resolution Proceeding package was served on the Landlord by registered mail on October 11, 2019. A Canada Post registered mail receipt was submitted in support. Pursuant to section 89 and 90 of the *Act*, documents served by registered mail are deemed to be received 5 days later. I find the Notice of Dispute Resolution Proceeding package is deemed to have been received by the Landlord on October 16, 2019.

As noted above, the Landlord was not represented at the hearing and did not submit documentary evidence in response to the Application. Accordingly, in the absence of any evidence from the Landlord in support of the Two Month Notice, I find that it is cancelled. The tenancy will continue until otherwise ended in accordance with the *Act*.

Having been successful, I also find the Tenants are entitled to recover the \$100.00 filing fee paid to make the Application. I order that the Tenants may retain this amount from a future rent payment at the Tenants' discretion.

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 15, 2019

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Residential Tenancy Branch