



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 January 23, 2020, 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).

The Tenants attended the teleconference hearing; however, the Landlord did not. The Tenants testified that they personally served the Landlord with their application package and evidence on December 4, 2019. I am satisfied the Landlord has been sufficiently served with the application package, evidence, and the Notice of Hearing on December 4, 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.

Issue to be Decided

- Should the Notice be cancelled?

Background, Evidence, and Analysis

The Tenants stated that they received this Notice on November 25, 2019, and it was issued largely due to a parking issue.

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 11:10 am on January 23, 2020, I cancel the Notice, dated November 25, 2019.

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 the application, I order the Landlord to repay the \$100.00 fee that the Tenants paid to make application for dispute resolution. The Tenants may deduct the amount of \$100.00 from one future rent payment.

Conclusion

The Tenants' application is successful. The Notice issued by the Landlord dated November 25, 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: January 23, 2020

Residential Tenancy Branch