



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction

This hearing was convened in response to the tenants application pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

- cancellation of the landlords’ 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The tenant participated in the teleconference, the landlord did not. The tenant testified that he personally served the landlord the Notice of Hearing Document, Application and evidence on December 8, 2019. The tenant has satisfied me that the landlord has been served in accordance with section 89 of the Act, accordingly; the hearing proceeded and completed on that basis.

Issue(s) to be Decided

Should the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities be cancelled? If not, should the landlord be granted an order of possession?

Is the tenant entitled to the recovery of the filing fee for this application?

Background and Evidence

The tenant gave the following testimony. The tenant testified that he moved in on June 15, 2018. The monthly rent of \$2200.00 is due on the first of each month. The tenant testified that he received a 10 day Notice from the landlord on November 28, 2019 for unpaid utilities. The tenant testified that the landlord issued a 30 day demand letter for unpaid utilities on December 5, 2019 asking for full payment by January 4, 2020. The tenant testified that the full amount was paid by Christmas. The tenant testified that he

and the landlord agreed the matter was resolved. The tenant testified he called in just to make sure the notice is cancelled and that his tenancy continues.

Analysis

When a landlord issues a notice to end tenancy, they bear the burden of providing sufficient evidence to support the issuance of that notice. As the landlord did not participate in the teleconference or submit any documentation for consideration, I hereby set aside the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated November 28, 2019; it is of no effect or force. As the tenant has been successful in this application, they are entitled to the recovery of the \$100.00 filing fee. The tenant is entitled to a one time rent reduction of \$100.00 from a future rent payment.

Conclusion

The notice to end tenancy is cancelled. The tenancy continues.

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 27, 2020

Residential Tenancy Branch