



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1226668 BC LTD and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, MT, OLC, CNC

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- more time to file an application to dispute a notice pursuant to section 66.

While the tenant attended the hearing by way of conference call, the landlord did not. I waited until 11:11 a.m. to enable the landlord to participate in this scheduled hearing for 11:00 a.m. The tenant was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue – More time to File application

The tenant noted on his application that he required more time to file an application. The tenant testified that after he received the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, he paid the rent to the landlord by registered mail, however; the landlord refused payment of the cheque and the tenant decided that he would have to file an application to address the matter. Based on the extenuating circumstances before me, I grant the tenant more time to file his application. The tenant gave oral testimony that the landlord was served notice of this hearing by registered mail on March 13, 2020. The landlord signed for and accepted the package on March 17, 2020. Based on the above,

I find that the tenant served the landlord in accordance with section 89 of the Act, and the hearing proceeded and completed on that basis.

Issue(s) to be Decided

Is the tenant entitled to have the 10 Day Notice to End Tenancy and One Month Notice to End Tenancy cancelled?

Is the tenant entitled to an order compelling the landlord to comply with the Act, regulation or tenancy agreement?

Background and Evidence

The tenant gave the following **undisputed testimony**. The tenant testified that he moved into the suite in March 2018. The tenant testified that his current monthly rent is \$450.00. The tenant testified that he was served with a 10 Day Notice to End Tenancy for Unpaid Rent on March 3, 2020 but paid the rent in full three days later. The tenant testified that he has also paid April and May in full. The tenant testified that the landlord issued a One Month Notice to End Tenancy for Cause on March 20, 2020 alleging that the tenant was urinating out of his window. The tenant adamantly denies this allegation. The tenant requests that both notices are cancelled, and that the tenancy continues.

Analysis

When a landlord issues a notice to end a tenancy, they bear the burden of providing sufficient evidence to support the issuance of that notice. In the matter before me the landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities on March 3, 2020 and a One Month Notice to End Tenancy for Cause on March 20, 2020. As I have found that the landlord was served notice of this hearing in accordance with section 89 of the Act, and as they have not participated in or provided any disputing evidence; I hereby cancel both notices, they are of no effect or force. The tenancy continues.

The tenant has not provided sufficient evidence to be granted an order compelling the landlord to comply with the Act, regulation or tenancy agreement, accordingly; I dismiss that portion of the tenant's application.

Conclusion

The notices to end tenancy are 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: May 08, 2020

Residential Tenancy Branch