



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, FFT

### Introduction

In the first application the tenants seek to cancel a ten day Notice to End Tenancy for non-payment of rent received September 22, 2020. In the second application they seek to cancel a second ten day Notice, received October 13, 2020.

The respondent landlord did not attend for the hearing within 10 minutes after its scheduled start time at 9:30 a.m. on November 17, 2020. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the two listed tenants and this arbitrator were the only ones who had called into this teleconference during that period.

The tenants showed that the landlord had been served with the Notice of Dispute Resolution Proceeding for both applications by registered mail (Canada Post tracking numbers shown on cover page of this decision). Canada post records show that the Notices were delivered on the landlord on October 1 and October 26 respectively. I find that the landlord has been duly served with notice of both of the tenants' applications.

When a Notice to End Tenancy has been challenged by a tenant and the matter comes to a hearing, the initial burden of proof falls to the landlord to show that the Notice is a valid Notice. By failing to attend this hearing the landlord has failed to do so and the Notices must be cancelled.

I cancel the two ten day Notices in question and I award the tenants recovery of the two \$100.00 filing fees paid for the applications. I authorize the tenants to reduce their next rent due by \$200.00, in full satisfaction of the fees.

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 17, 2020

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Residential Tenancy Branch