



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants to cancel a One Month Notice to End Tenancy for Cause (the “Notice”), issued on July 31, 2021, which was served by email.

Only the tenants appeared.

Preliminary and Procedural Issues

The landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenants testified the Application for Dispute Resolution and Notice of Hearing were sent by email on August 19, 2021, to the landlord and the landlord’s agent by email to the email addresses they provided for service. Filed in evidence is a copy of the email showing it was sent to both the landlord and the landlord’s agent. I note one of the email addresses is the same email address that sent the Notice to the tenants.

I find the landlord was served in accordance with section 89(1)(f) of the Act and were deemed served three days later

In a case where a tenant has applied to cancel a notice for cause Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission

first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the notice.

This matter was set for hearing by telephone conference call at 9:30 A.M. on this date. The line remained open while the phone system was monitored for ten minutes. Neither the landlord nor the landlord's agent appeared at the hearing to give any evidence sufficient to terminate the tenancy for reason stated in the Notice. Therefore, I grant the tenants' application and cancel the Notice. The tenancy will continue until legally ended in accordance with the Act.

As the tenants were successful with their application. I find the tenants are entitled to recover the cost of the filing fee. I authorize the tenants a onetime rent reduction in the amount of \$100.00 to be deducted from January 2022 rent in full satisfaction of this award.

Conclusion

The tenant's application to cancel the Notice is granted. I authorize the tenants a onetime rent reduction of \$100.00 to be deducted from January 2022, in full satisfaction of the award to recover the cost of the filing fee.

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: December 06, 2021

Residential Tenancy Branch