



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAAMCO INT. PROPERTYS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, FFT

Introduction and Preliminary Matter

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a tenancy. In this application for dispute resolution, the Tenants sought:

- an order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, dated November 8, 2021; and
- the filing fee.

The Tenants attended the hearing; the Landlord's agent did not. The teleconference was left open for the duration of the 20-minute hearing. The Tenants were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses; they were made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The Tenants testified they stopped by the Landlord's agent's office a couple of times to serve the Notice of Dispute Resolution Proceeding (NDRP) in person, but as no one was in, they put it in the mailbox in the Landlord's office door on or around November 17, 2021. The Tenants testified that the agent acknowledged receipt of the NDRP. I find the Landlord's agent sufficiently served in accordance with section 71 of the Act, and deem the NDRP received by the agent on November 20, 2021, in accordance with section 90 of the Act.

The Tenants testified that they had met with the Landlord's agent and building manager, BO, on Wednesday January 26, 2022, to give him the remaining \$300.00 owing. The Tenants testified that they are now paid up in full, and that BO had indicated the tenancy would continue.

The Tenants testified that BO had indicated he would be calling into the hearing to confirm the issue was resolved. At my suggestion, the Tenants called BO, leaving a voicemail, asking him to call in. After a couple of minutes BO had not called in, so I concluded the hearing.

The 10 Day Notice is cancelled, as the Landlord's agent did not attend the hearing to provide testimony and evidence in support of the Notice.

Based on the Tenants' affirmed undisputed testimony, the parties reached a solution on their own. Therefore, I decline to award the Tenants the filing fee.

Conclusion

The Tenants' application is granted; the 10 Day Notice is cancelled. The tenancy will continue until it is ended in accordance with the Act.

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 28, 2022

Residential Tenancy Branch