



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on November 14, 2022. The Tenant applied for the following remedy, pursuant to the *Residential Tenancy Act* (the *Act*):

- cancellation of the Landlord's 10-Day Notice to End Tenancy for unpaid rent (the Notice).

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant testified that he sent a copy of his Notice of Dispute Resolution Proceeding to the Landlord by registered mail on July 15, 2022. Proof of mailing was provided. I find the Landlord is deemed served with the Notice of Dispute Resolution Proceeding 5 days after it was mailed to the Landlord, pursuant to section 90 of the Act.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Should the Notice be cancelled?

Background, Evidence, and Analysis

The Tenant stated that he received the Notice on June 23, 2022, although the Landlord dated the Notice for July 23 by accident. This Notice indicated that rent had not been paid in full.

In the matter before me, the Landlord has the onus of proof to prove that the Notice is valid. I find that the Landlord was properly served with the Notice of Hearing and failed to attend the hearing to prove the allegation within the Notice.

Therefore, as the Landlord did not attend the hearing by 11:10 AM on November 14, 2022, I cancel the Notice.

I Order the tenancy to continue until ended in accordance with the Act.

Conclusion

The Tenant's application is successful. The Notice issued by the Landlord is cancelled.

The tenancy will continue until 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: November 15, 2022

Residential Tenancy Branch