



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. A hearing by telephone conference was held on March 28, 2023, at 11:00 AM. The Tenants 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 Tenants both attended the teleconference hearing and provided affirmed testimony; however, the Landlord did not. The Tenants testified that they sent a copy of their application and evidence package to the Landlord by registered mail on November 29, 2022. Proof of mailing was provided into evidence. I am satisfied the Landlord has been sufficiently served with the application package and the Notice of Hearing on December 4, 2022, the fifth day after their registered mailing, 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 Tenants stated that they received the Notice on November 10, 2022.

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 March 28, 2023, I cancel the Notice, dated November 10, 2022.

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: March 29, 2023

Residential Tenancy Branch