



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the *Residential Tenancy Act* (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) issued on February 10, 2023.

The tenant attended the hearing. As 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 tenant testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail sent on February 16, 2023, a Canada post tracking number was provided as evidence of service,

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the landlord has been duly served in accordance with the Act.

Further, I note on March 13, 2023, the landlords submitted an RTB-46 Form.

Issue(s) to be Decided

Should the Notice be cancelled?

Background and Evidence

The tenant testified that they did receive the Notice. The tenant stated that all rent has now been paid in full, although it has been late each month.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

In this case, the landlord did not attend the hearing, although the landlord was clearly aware of the date. As rent has now been paid in full, I find without any evidence from the landlord, I find it more likely than not that the tenancy has be re-established. Therefore, I find it appropriate to cancel the Notice. The tenancy will continue.

Conclusion

The Notice is cancelled. The tenancy will continue until legally ended.

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 17, 2023

Residential Tenancy Branch