



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes Tenant: CNR MT
Landlord: OPR MNR FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on May 12, 2023. Both parties applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the “Act”).

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant testified that she sent a copy of their application and evidence package to the Landlord by registered mail on January 24, 2023. Mail tracking information was provided at the hearing. I am satisfied the Landlord has been sufficiently served with the application package and the Notice of Hearing on January 29, 2023, the fifth day after their registered mailing, pursuant to section 90 of the Act.

Since the Landlord failed to attend the hearing, and the Tenant was present and ready to proceed, I hereby dismiss the Landlord’s application, in full, without leave to reapply.

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 10 Day Notices to End Tenancy for Unpaid Rent (the Notice) be cancelled?

Background, Evidence, and Analysis

The Tenant stated she received the Notice on December 23, 2022. Another Notice was issued in March of 2023 for unpaid rent.

In the matter before me, the Landlord has the onus of proof to prove that the Notices are 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 9:40 AM on May 12, 2023, I cancel all 10 Day Notices to End Tenancy for Unpaid rent issued thus far.

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

Conclusion

The Tenant's application is successful. The Notices issued by the Landlord are 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: May 16, 2023

Residential Tenancy Branch