



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNR, FFT  
                             OPR, MNRL-S, FFL

### Introduction

Under section 58 of the Residential Tenancy Act (the “Act”), this hearing dealt with the tenant’s May 4, 2023, application to the Residential Tenancy Branch for:

- (i) an order cancelling the notice to end tenancy for unpaid rent (the “Notice”), under section 46(4)(b) of the Act; and
- (ii) authorization to recover the cost of the filing fee under section 72 of the Act.

In addition, under section 58 of the Act, this hearing dealt with the landlord’s May 30, 2023, application to the Residential Tenancy Branch for:

- (i) an order of possession on the Notice under section 55(2)(b) of the Act;
- (ii) a monetary order for unpaid rent under section 67 of the Act; and
- (iii) authorization to recover the cost of the filing fee under section 72 of the Act.

The tenant attended the hearing while the landlord did not. The tenant testified under oath that the tenant served a *Notice of Dispute Resolution Proceeding* on the landlord by registered mail. There is proof of tracking information submitted into evidence. It is my finding that the landlord was served with the required notice in compliance with the Act.

As the onus is on the landlord to prove the validity of the Notice and the landlord has not attended the hearing to substantiate the Notice, I am cancelling the Notice. Therefore, the tenant's application to cancel the Notice is granted and the landlord's entire application is dismissed.

Since the tenant was successful in its application to cancel the Notice, the tenant's application to recover the cost of the filing fee under section 72 of the Act is granted. A monetary order for amount of \$100.00 is attached to this Decision and must be served on the landlord.

### Conclusion

The tenant's application is granted. The tenant is awarded a monetary order in the amount of \$100.00.

The landlord's application is dismissed without leave to reapply.

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: June 23, 2023

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Residential Tenancy Branch