



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, RR, RP

Under section 58 of the Residential Tenancy Act (the “Act”), this hearing dealt with the tenant’s May 19, 2023, application to the Residential Tenancy Branch for:

- (i) an order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to section 46(4)(b) of the Act;
- (ii) an order to reduce rent for repairs, services or facilities agreed upon but not provided under section 32 of the Act; and
- (iii) an order for repairs to be made to the rental unit under section 32 of the Act.

The tenant attended the hearing. No one dialled in on behalf of the landlord during the hearing, which lasted from 11:00 A.M. to 11:14 A.M. The tenant testified under oath that the tenant served a Notice of Dispute Resolution Proceeding on the landlord by registered mail and submitted mail tracking information. It is my finding that the landlord was served with the required notice in compliance with the Act.

Preliminary Issue - Unrelated Claims

Rules of Procedure 2.3 states that claims made in an application for dispute resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims.

It is my determination that the tenant’s claim regarding the Notice is not sufficiently related to the tenant’s other claims to warrant that they be heard together. I exercise my discretion to dismiss the tenant’s other claims with leave to reapply and will deal only with the Notice.

Preliminary Issue – landlord did not attend the hearing

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.

Conclusion

The tenant's application to cancel the Notice is granted and the tenancy shall continue until it is 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: July 15, 2023

Residential Tenancy Branch