



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNR, CNC, CNL, AAT, PSF, LRE, RPP, OLC, FFT

This hearing was scheduled pursuant to an Application for Dispute Resolution filed by the Tenants on July 31, 2023. The Tenants applied for the following relief, pursuant to the Residential Tenancy Act (the Act):

- an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated July 27, 2023 (the 10 Day Notice);
- an order cancelling a One Month Notice to End Tenancy for Cause, dated July 27, 2023 (the One Month Notice);
- an order cancelling a Two Month Notice to End Tenancy for Landlord's Use of Property, dated July 27, 2023 (the Two Month Notice);
- an order that the Landlord provide access to the rental unit;
- an order that the Landlord provide services and facilities required by the tenancy agreement or law;
- an order suspending or setting conditions on the Landlord's right to enter the rental unit;
- an order that the Landlord return the Tenants' personal property;
- an order that the Landlord comply with the Act, Residential Tenancy Regulation, and/or the tenancy agreement; and
- an order granting recovery of the filing fee.

At the beginning of the hearing, VRM testified that the Tenants named in the application included his wife and five children. With the agreement of VRM, and pursuant to section 64(3) of the Act, I amend the application to remove the names of the Tenants' five children.

VRM attended the hearing on behalf of the Tenants and provided a solemn affirmation. VRM was assisted in translation by ST. Although the telephone conference hearing remained open until 9:40 AM, the Landlord did not attend the hearing.

During the hearing, VRM was advised that the three notices to end tenancy would be addressed during the hearing, and that the Tenants would be granted leave to reapply for the remainder of the relief sought at a later date. VRM confirmed he understood and did not dispute this decision.

On behalf of the Tenants, VRM testified that the Notice of Dispute Resolution Proceeding package was served on the Landlord by registered mail on August 5, 2023. I also note the Landlord uploaded some documentary evidence to the Dispute Management System on September 14, 2023. As a result, I am satisfied the Landlord was served with the above documents in accordance with the Act. Pursuant to sections 89 and 90 of the Act, I find these documents are deemed to have been received by the Landlord on August 10, 2023.

As noted above, the Landlord did not attend the hearing. VRM attended the hearing and was prepared to proceed. Therefore, as the Landlord did not attend the hearing to provide evidence in support of the three notices to end tenancy described above, I find the 10 Day Notice, the One Month Notice, and the Two Month Notice are cancelled and are of no force or effect. The Tenants remain at liberty to reapply for the remainder of the relief sought at a later date at their discretion.

As the Tenants have been successful, I find they are entitled to recover the filing fee. I order that \$100.00 may be withheld from a future rent payment on account of the filing fee.

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: September 19, 2023

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Residential Tenancy Branch