



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      CNR, FF

### Introduction

This matter dealt with an application by the Tenant to cancel a 10 Day Notice for unpaid rent and to recover the fee for filing this application.

The Tenant testifies that the Landlord was served with a copy of this application and Notice of Hearing on April 09, 2009

### Issues(s) to be Decided

- Was there any outstanding rent owed to the Landlord by the tenant at the time the 10-Day notice was issued and served?

### Background and Evidence

The tenant moved into the property on March 04, 2009 for a fixed term tenancy until May 31, 2009. The tenant was served with a 10 Day Notice to End Tenancy for unpaid rent on March 30, 2009. The tenant testified that when he moved into the rental unit he wrote a cheque for his security deposit for \$1,150.00 but did so from an account with insufficient funds and the cheque was returned. He was unaware of this as he had been in hospital for a month. On his return to the rental unit the landlords' agent told him about the returned cheque and told him that if he paid cash for the whole term of the tenancy agreement he would waive the security deposit. The tenant has provided a receipt showing that the rent had been paid to the landlords' agent on April 01, 2009 for the sum of \$6,900.00. It details that this rent is for March, April and May with a move out date of May 31, 2009. This is signed by the landlords' agent. The evidence also included a signed letter from a witness confirming the rent was paid to the sum of \$6900.00.

At the hearing the landlord stated that the 10 day Notice that was issued on March 30, 2009 has been withdrawn.



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Page: 2

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## Analysis

As the 10 Day Notice has been withdrawn it therefore has no effect and the tenancy continues. As the landlords have withdrawn the 10 day Notice a Monetary Order for \$50.00 has been issued to the tenant to recover the filing fees paid for this application.

## Conclusion

A Monetary Order in the amount of **\$50.00** has been issued to the tenant and a copy of the Order must be served on the landlord. The Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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: April 17, 2009.

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Dispute Resolution Officer