



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION AND REASONS**

**Dispute Codes:** *CNR.*

### **Introduction**

This hearing dealt with the tenant's application to cancel the notice to end tenancy for unpaid rent, pursuant to section 46 of the *Residential Tenancy Act*.

Service of the hearing document, by the tenant to the landlord, was done in accordance with section 88 of the *Residential Tenancy Act*, sent via registered mail on May 25, 2009. The tenant filed a receipt with a tracking number. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues**

Should the notice to end tenancy for unpaid rent be set aside?

### **Background and Evidence**

The tenant testified that the tenancy began on December 15, 2008. The tenant shares the basement of the rental unit, with a room mate. Each tenant pays a rent of \$375.00 due on the first of the month. The tenants have arranged for the rent to be paid direct to the landlord by cheque.

On May 14, 2009 the landlord served the tenant with a ten day notice to end tenancy for non payment of rent. The tenant stated that rent for May was paid and filed evidence of the same. According to the evidence filed by the tenant, the landlord had received and cashed two cheques made out in her name, for a total of \$750.00. These cheques were issued by a government agency on behalf of the tenants for rent for the month of May. The tenant discussed this issue with the landlord and the matter was resolved. The landlord allowed the tenancy to continue.

**Analysis**

Since the tenant paid rent for May 2009, I find that the notice to end tenancy for unpaid rent was not valid. Pursuant to Section 46 of the *Residential Tenancy Act*, I grant the tenant's application to cancel the notice to end tenancy. The notice to end tenancy is set aside and the tenancy will continue.

**Conclusion**

The notice to end tenancy for unpaid rent is hereby cancelled and the tenancy will continue.

Dated June 25, 2009.

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Dispute Resolution Officer