



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION AND REASONS

Decision

Dispute Codes:

CNR

Introduction

Both parties were present at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral evidence and to make submissions during the hearing.

Issue(s) to be Decided

The issue to be decided is whether the Notice to End Tenancy for Unpaid Rent, served pursuant to section 46 of the *Residential Tenancy Act (Act)*, should be set aside.

Background and Evidence

The landlord and tenant agreed that on June 30, 2009 the tenant was served a Ten Day Notice to End Tenancy for Unpaid Rent which indicated an effective vacancy date of July 10, 2009. The notice indicated that the tenant owed \$7,975.00 in unpaid rent. The landlord testified that the rent arrears commenced prior to 2007.

The landlords did not submit any evidence to support the arrears indicated on the notice and testified that some of the records supporting the notice were not readily available to them. During the hearing the landlord testified that they were withdrawing the notice to end tenancy and that another notice for current arrears would be issued.

During this hearing the parties agreed that the tenant last paid rent of \$400.00 on June 30, 2009; immediately prior to the notice being served to the tenant. The parties did not supply a copy of the tenancy agreement or the notice to end tenancy.

The parties dispute the nature of this tenancy and the amount of rent owed by the tenant. The tenant testified that he has been allowed to complete repairs on the property and that there was agreement that at the end of the tenancy an accounting of his costs would be made; the landlords denied this arrangement exists.

Analysis

The notice to end tenancy issued on June 30, 2009 is cancelled and withdrawn, as determined by the landlord during this hearing. The notice is of no force or effect and the landlord is at liberty to issue another notice to end tenancy.

I have made no determination as to the nature of this tenancy; other than confirming that the last rent payment of \$400.00 made by the tenant on June 30, 2009.

Conclusion

The notice to end tenancy for unpaid rent issued on June 30, 3009 is cancelled and is of no force or effect.

Dated August 19, 2009.

Dispute Resolution Officer