



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC & FF

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to have a section 47 Notice to End Tenancy cancelled, and a request that the respondent be the \$50.00 cost of the filing fee that was paid for this hearing.

Decision and reasons

The tenant was served with a one month Notice to End Tenancy on August 30, 2009 with an end of tenancy date of September 30, 2009.

However at the beginning of the hearing the landlord testified that they have now accepted rent for October 2009.

By accepting rent for a date after the end of tenancy date, the landlords have reinstated the tenancy and can no longer rely on the August 30, 2009 Notice to End Tenancy to end this tenancy.



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Conclusion

The August 30, 2009 Notice to End Tenancy is no longer valid and this tenancy continues. I further Order, that the landlord bear the cost of the filing fee paid for this hearing. The tenant may therefore deduct \$50.00 from future rent payable to the landlord.

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: October 22, 2009.

Dispute Resolution Officer