



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR

Introduction

This matter dealt with an application by the Tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent dated January 7, 2010. The Tenant said he served the Landlord in person on January 12, 2010 with a copy of the Application and Notice of Hearing. Based on the Tenant's evidence, I find that the Landlord was served as required by s. 89 of the Act and the hearing proceeded in her absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This month to month tenancy started on November 1, 2009. Rent is \$500.00 per month payable in advance on the 30th day of each month.

The Tenant said he received a 10 Day Notice to End Tenancy on January 7, 2010. The Tenant admitted that he has rent arrears of \$1,500.00 as alleged on the Notice but claimed that he spoke with the Landlord prior to the hearing and she agreed that they would work out an agreement for payment of the arrears.

Analysis

Section 66(2) of the Act says that the director may extend the time limit for paying the overdue rent if the extension is agreed to by the Landlord. Even though the Landlord may have agreed to work out a payment plan with the Tenant, the terms of that agreement have not yet been determined and as a result, I am unable to extend the time for payment of the overdue rent.

Given that there are rent arrears, the Tenant's application to cancel the 10 Day Notice is dismissed. If the Landlord seeks to enforce the same 10 Day Notice at a later date, the Tenant may apply for more time to apply to cancel the Notice on the grounds that the Landlord agreed to an extension.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

Conclusion

The Tenant's application is dismissed. 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: February 17, 2010.

Dispute Resolution Officer