

DECISION

Dispute Codes CNC, FF

Introduction

Some documentary and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondents were served with notice of the hearing by registered mail that was mailed on February 17, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to have a Notice to End Tenancy cancelled.

Background and Evidence

The tenant was served with a section 47 Notice to End Tenancy which stated that the tenant is repeatedly late paying the rent.

The tenant admitted that rent has been late on numerous occasions; however she testified that the landlords had agreed to accept rent late on the condition that she notifies them when the rent was going to be late and when she expected to pay the rent.

The tenant further testified that she has always paid the rent, and has always notified the landlords whenever rent was going to be late.

The applicant is therefore requesting that the Notice to End Tenancy be cancelled because the landlords had agreed to late payments.

Analysis

The landlord did not appear at the hearing to testify, and therefore there is no evidence from the landlords to refute the tenant's claim that they had agreed to allow her to pay the rent late.

The tenant gave sworn testimony that the landlords had agreed to accept late rent and in the absence of any information from the landlords to refute that claim, it is my decision that I will set aside the Notice to End Tenancy.

Conclusion

Order

The Notice to End Tenancy dated February 14, 2010 is hereby cancelled and this tenancy continues; however I order that the applicant bear the \$50.00 cost of the filing fee that she paid for today's hearing.

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 06, 2010.

Dispute Resolution Officer