



# Dispute Resolution Services

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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 or Utilities dated October 12, 2010. At the beginning of the hearing, the Landlord's agent claimed that the Landlord was withdrawing this Notice as the Landlord had received evidence from the Tenant (in the form of a receipt issued by the Landlord) that the alleged arrears had been paid.

The Landlord's agent, however, claimed that she had also served the Tenant with a One Month Notice to End Tenancy for Cause dated October 22, 2010 and she orally requested an Order of Possession on that basis. Section 55(1) of the Act says that a Landlord may make an oral request for an Order of Possession at the hearing if the director dismisses the tenant's application or upholds the Landlord's notice. However, the Tenant did not apply to set aside the One Month Notice to End Tenancy for Cause and therefore, the Landlord cannot orally request an Order of Possession at this hearing based on the One Month Notice. Instead, the Landlord must file an application for dispute resolution to enforce the One Month Notice under s. 55(2) of the Act or where urgent circumstances warrant it, apply to end the tenancy earlier under s. 56 of the Act.

### Conclusion

The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated October 12, 2010 is withdrawn and the tenancy will continue. 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: November 16, 2010.

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Dispute Resolution Officer