

DECISION

Dispute Codes CNR, FF

By decision dated November 4, 2010 I granted the tenant's application to cancel a Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The tenant attended the hearing, but the landlord did not attend. The landlord applied for and was granted a review of the November 4, 2010 decision. The Review hearing was conducted by conference call. The landlord, Ms. L. W. And her assistant Mr. M.B. called into the hearing. The tenant also participated.

Issue(s) to be decided

Should the 10 day Notice to End Tenancy for unpaid rent dated August 9, 2010 be cancelled?

Background and evidence

The landlord's representative served the tenant with a 10 day Notice to End Tenancy for unpaid rent dated August 9, 2010. The notice was served by posting it to the door of the tenant's manufactured home on August 9, 2010. According to the Notice to End Tenancy The tenant failed to pay rent in the amount of \$300.00 that was due on July 1, 2010.

The tenant paid the landlord the sum of \$300.00 by cheque dated August 15, 2010.

Analysis and conclusion

Section 90 (c) of the *Residential Tenancy Act* provides that a document that is served by attaching it to a door or other place is deemed to have been received on the third day after it is attached.

The evidence showed that the tenant paid the amount of \$300.00 stated in the Notice to End Tenancy within five days of his deemed receipt of the Notice. Because payment of the amount stated in the Notice was made within five days of receipt the Notice has no effect.

The evidence presented on this hearing did not establish any facts that would justify altering the decision made on November 4, 2010. I confirm my original decision cancelling the Notice to End Tenancy and directing that the tenant recover his \$50.00 filing fee for this application.

Dated: December 10, 2010.
