



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      CNR, CNC

### Introduction

This hearing dealt with the tenant's application to cancel a Notice to End Tenancy for Unpaid Rent and a Notice to End Tenancy for Cause. The landlord did not appear at the hearing. The tenant provided evidence that the landlord was notified of this hearing by registered mail sent to the landlord on January 11, 2011. The tenant also testified that the landlord has discussions with the tenant about his application after receiving it. I was satisfied the landlord was notified of this hearing and I proceeded to hear from the tenant without the landlord present.

### Issue(s) to be Decided

Should the Notices to End Tenancy be cancelled?

### Background and Evidence

The tenant testified that he received a 10 Day Notice to End Tenancy for Unpaid Rent on December 23, 2010 indicating \$185.00 in rent was outstanding. The tenant paid the outstanding rent on December 27, 2010. Then the tenant received a 1 Month Notice to End Tenancy for Cause on December 30, 2010. The 1 Month Notice indicates the reason for ending the tenancy is for repeated late payment of rent. The tenant described an arrangement whereby the tenant pays rent in two instalments as his pension income comes in.

Provided as evidence was a copy of the two Notices to End Tenancy that are the subject of this hearing.

### Analysis

Where a tenant receives a 10 Day Notice to End Tenancy for Unpaid Rent and the tenant pays the outstanding rent within five days of receiving it, the Notice is no effect pursuant to section 46 of the Act and the tenancy continues.

Where a Notice to End Tenancy for Cause is disputed, the landlord has the burden to show the tenancy should end for the reason indicated on the Notice. In the absence of the landlord at this hearing I find the landlord has not met this burden and I cancel the 1 Month Notice with the effect that this tenancy continues.

Conclusion

The Notices to End Tenancy are cancelled and the tenancy continues.

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: January 26, 2011.

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Residential Tenancy Branch