



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC, FF

Introduction

This conference call hearing was convened in response to the tenant's application for a Cancellation of a 10 Day Notice to End Tenancy and to recover the filing fees associated with this application.

Issue(s) to be Decided

Is the tenant entitled to a cancellation of the 10 Day Notice to End Tenancy?

Background and Evidence

The rental unit consists of a basement suite in a single family home. Pursuant to a written agreement, the month to month tenancy started on November 30th 2009. The monthly rent of \$550.00 was payable on the 30th or 31st of each month.

The evidence included a copy of a 10 Day Notice to End Tenancy dated January 11th, 2011, on which the landlord wrote that it had not been served because the tenant paid the rent that same day.

At the hearing, the parties agreed that rent was paid for January 2011. The landlord testified that in February 2011, she served the tenant a 1 Month Notice to End Tenancy, effective February 15th, 2011 because the tenant did not pay the rent for that month.

Analysis

The parties confirmed that rent was paid for January 2011. The 1 Month Notice to End Tenancy does not come into force until February 15th, 2011 and therefore was not considered at the hearing.

Conclusion

The tenant's application is dismissed. Therefore the tenant will bear the cost of the filing fee for this application.

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 09, 2011.

Residential Tenancy Branch