



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to section 46 of the *Residential Tenancy Act* (the “Act”) for an Order cancelling a 10 Day Notice to End Tenancy for unpaid rent (the “Notice”).

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Notice valid?

### Background and Evidence

The Notice indicates that the amount of \$780.00 that was due as rent on July 1, 2011 has been unpaid. The Tenant states that the rent was paid to the Landlord’s wife in the first week of July 2011. The Landlord states that he does not know whether or not rent was paid because he has not seen a receipt from his wife.

### Analysis

Based on the evidence of the Tenant, that was not rebutted by the Landlord, I find that rent for July 2011 has been paid. I also find that the Notice is not valid and I order the Notice cancelled. The tenancy therefore continues

### Conclusion

The Notice is 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: August 09, 2011.

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Residential Tenancy Branch