



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FF O

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy. The tenant served the landlord with the notice of hearing and application for dispute resolution by registered mail on July 28, 2011. On September 6, 2011, the tenant personally served the landlord's agent with his amended application and additional evidence. However, the landlord did not participate in the teleconference hearing.

Issue(s) to be Decided

Did the landlord reinstate the tenancy?

Background and Evidence

The tenant testified that he received a notice to end tenancy for cause on July 19, 2011. The effective date of the notice was August 31, 2011. In his evidence, the tenant submitted a receipt for rent paid for September 2011. The receipt did not indicate that the amount was received for use and occupancy only.

Analysis

I find that by accepting the tenant's rent for September 2011 and failing to indicate that the amount was accepted for use and occupancy only, the landlord reinstated the tenancy.

Conclusion

The notice to end tenancy is void, and the tenancy continues.

As the tenant was successful in his application, he is entitled to recovery of the \$50 filing fee for the cost of his application. The tenant may deduct that amount from his next month's rent.

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: September 16, 2011.

Residential Tenancy Branch