

DECISION

Dispute Codes CNR, O

Introduction

This is an application filed by the Tenant for an order to cancel a notice to end tenancy resulting from a 10 day notice to end tenancy for unpaid rent.

The Tenant attended the hearing by conference call and gave testimony. The Landlord did not attend.

At the beginning of the hearing, the Tenant clarified that he is known as J.P. to the Landlord as indicated on the 10 day notice to end tenancy for unpaid rent dated September 17, 2011. The Tenant states that he received the notice on September 8, 2011. The Tenant's legal name is J.D.R. as indicated on the Tenant's application for dispute. The Tenant has further clarified that the "other" box selected notes issues with his tenancy, but that he is only applying to cancel the notice to end tenancy at this time.

Issue(s) to be Decided

Is the Tenant entitled to an order to cancel the notice to end tenancy for unpaid rent?

Background and Evidence

The Tenant states that he served the notice of hearing documents by sliding them under the door of the manager's door. The Tenant has confirmed that this is how he received his 10 day notice to end tenancy for unpaid rent from the Landlord on September 8, 2011.

The Tenant's details of dispute state, "I owe \$615.00 in rent." The Tenant has confirmed this in his direct testimony during the hearing. The Tenant stated during the hearing that he is not disputing the notice, but that he would like to continue residing at the rental unit.

Analysis

I accept the Tenant's undisputed testimony and I find that the Tenant was served with a notice to end tenancy for non-payment of rent. The Tenant did not pay the rent within 5 days of receiving the notice. I also accept based upon the Tenant's direct testimony that the Landlord was served with the notice of hearing documents.

Based upon the Tenant's own evidence, I find that the Tenant has failed to establish a claim to cancel the notice to end tenancy. The Tenant's application is dismissed.

Conclusion

The Tenant's application is dismissed.

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: October 05, 2011.

Residential Tenancy Branch