



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** CNR, FF

### **Introduction**

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for nonpayment of rent. The notice of hearing was served on the landlord on September 13, 2011 by registered mail. The tenant filed a tracking slip. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

### **Background and Evidence**

The tenancy began on May 01, 2010. The monthly rent is \$900.00 payable on the first day of each month. On September 04, 2011; the landlord served the tenant with a notice to end tenancy for nonpayment of rent. The tenant stated that he had dropped off a cheque for rent for September on August 22, 2011 and filed a bank slip that shows that it was cashed on August 30, 2011.

### **Analysis**

In order to support the notice to end tenancy, the landlord must prove that the tenant did not pay rent. The landlord did not attend the hearing nor did she file evidence to support the notice. Therefore I find that the notice to end tenancy must be set aside and the tenancy will continue.

### **Conclusion**

The notice to end tenancy is set aside and the tenancy shall continue. The tenant may make a onetime deduction of \$50.00 from rent for November to recover the filing fee.

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.

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Residential Tenancy Branch