



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a notice to end tenancy for unpaid rent.

Both parties appeared and were provided an opportunity to present their evidence.

Issue(s) to be Decided

Should the notice to end tenancy for unpaid rent be cancelled?

Background and Evidence

The landlord stated that the tenancy began on July 25, 2011. Rent was payable in the amount of \$850.00 per month payable on the first of each month. The tenant paid a security deposit in the amount of \$425.00.

The tenant stated that she is not disputing the notice to end tenancy, it was the amount of rent owed indicated in the notice that she does not agree with.

The tenant stated that as of November 13, 2011, the rental unit is vacant as the occupant has left and the tenant is in the hospital.

The tenant stated that the occupant left some of her personal property behind and she would make arrangements for someone to pick them up and she needs to have the keys returned to the landlord.

The landlord stated that when the occupant left the rental unit on November 13, 2011, he was informed that the unit was empty and that it was cleaned. He has not entered the rental unit and is unable to confirm that any items were left behind. He was not sure if the tenant was planning to return after being released from the hospital.

At the hearing the tenant and landlord, made the following agreement.

- That the tenant has vacated the rental unit, and the effective date to end tenancy is November 13, 2011.
- That the tenant will make arrangements to have the keys returned to the landlord and to have the rest of her personal belongings removed, by Thursday November 17, 2011, and no later than the noon hour.
- A new forwarding address was provided by the tenant to the landlord for service for any future applications that may be filed for monetary claims regarding this rental unit.

Analysis

Based on the statements and agreement of the parties, I find the tenant's application to cancel the notice to end tenancy is dismissed.

I also order that if the tenant does not remove her belongings by the agreed date that the landlord is to comply with Part 5 of the Regulations – Abandonment of Personal Property in dealing with the tenant's property.

Conclusion

The tenant's application to cancel the notice to end tenancy 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: November 15, 2011.

Residential Tenancy Branch