



# 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 to deal with the tenant's application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice").

The parties appeared and at the start of the hearing, the landlord announced that the tenant had paid rent; however the rent paid by the tenant was to a secondary mortgage holder, not to him

The landlord presented that he has a pending court matter against this secondary mortgage holder.

The parties acknowledged that the tenant had received documents from the secondary mortgage holder, which instructed the tenant to direct her rent payments to that company and not the landlord. The documents were prepared by an attorney and the tenant submitted that she was led to believe that if she did not pay the secondary mortgage holder, she would either be evicted or forced to make two rent payments.

The landlord submitted that he would withdraw the current 10 Day Notice to End Tenancy for Unpaid Rent as the tenant did make a rent payment, but that another 10 Day Notice would be issued next month if the tenant failed to make future rent payments to him or the primary mortgage holder.

The tenant expressed that the documents and the dispute between the landlord and his creditors confused her and that she only wanted to pay her rent to the proper party.

Due to the above, the landlord expressed that he no longer wished to proceed with enforcement of the Notice.

### Conclusion

Due to the landlord's acknowledgement that the rent for November had been paid by the tenant, although not to him, I therefore allow the tenant's Application for Dispute Resolution, and **I order that the 10 Day Notice to End Tenancy, dated November 2, 2011, is cancelled and is of no force or effect**, with the effect that this tenancy continues until it may legally end.

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 24, 2011.

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Residential Tenancy Branch