



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR CNR FF

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession and a monetary order for unpaid rent. The tenant applied to cancel a notice to end tenancy for unpaid rent.

The landlord did not participate in the teleconference hearing. Accordingly, the landlord's application is dismissed.

Issue(s) to be Decided

Is the notice to end tenancy for unpaid rent valid?

Background and Evidence

The tenancy began in April of 2010, with monthly rent of \$500 payable in advance on the first day of each month. On October 5, 2011, the landlord served the tenant a notice to end tenancy for unpaid rent. The notice indicated that the tenant failed to pay rent of \$500 that was due on October 1, 2011.

The tenant's testimony was that on October 3, 2011 she gave the landlord a cheque for the full amount of the rent for October 2011. The landlord told the tenant that he would only accept cash for the rent, and he refused to cash the tenant's rent cheque.

As the tenant's application was successful, she is entitled to recovery of her \$50 filing fee for the cost of her application.

Analysis

Based on the tenants' undisputed testimony, I find that the notice to end tenancy is not valid. The tenant attempted to pay the rent and the landlord refused to accept payment. A landlord cannot seek to end a tenancy when the tenant attempts to pay rent and the landlord refuses to accept the rent.

Conclusion

The notice to end tenancy for unpaid rent is cancelled, with the effect that the tenancy continues.

I grant the tenant an order under section 67 for the amount of \$50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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 3, 2011.

Residential Tenancy Branch