



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, FF, SS

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy (the 10 Day Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice pursuant to section 46;
- authorization to serve documents or evidence in a different way than required by the *Act* pursuant to section 71; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The landlord did not attend this hearing, although I waited until 11:13 p.m. in order to enable the landlord to connect with this hearing scheduled for 11:00 p.m. The tenant attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. He testified that the landlord handed him the 10 Day Notice on April 2, 2012. He testified that he handed a copy of his dispute resolution hearing package to an individual in the landlord's office on April 13, 2012. I am satisfied that the parties served the above documents to one another in accordance with the *Act*.

At the commencement of the hearing, the tenant testified that he paid the outstanding April 2012 rent, the amount identified as owing in the landlord's 10 Day Notice, in full on April 10, 2012. He said that he understood that the landlord was no longer pursuing the 10 Day Notice after having accepted the tenant's rent payment for April 2012 and that the landlord had agreed to let the tenancy continue. In the absence of any evidence or testimony from the landlord to the contrary, I allow the tenant's application to cancel the landlord's 10 Day Notice.

As the tenant has been successful in his application, I allow him to recover his \$50.00 filing fee for his application from the landlord.

Conclusion

I allow the tenant's application to cancel the landlord's 10 Day Notice with the effect that this tenancy continues.

I issue a monetary award in the tenant's favour in the amount of \$50.00. In order to implement this monetary award and given that this decision may not reach the parties until after the tenant's May 2012 rent is due, I order the tenant to reduce his monthly rent payment for June 2012 by \$50.00. The monthly rent for this tenancy reverts to the regular amount as of July 2012.

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: April 26, 2012

Residential Tenancy Branch