



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenant's application pursuant to section 46 of the *Residential Tenancy Act* (the *Act*) to cancel the landlord's 10 Day Notices to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46.

The landlord did not attend this hearing, although I waited until 1:45 p.m. in order to enable the landlord to connect with this teleconference hearing scheduled for 1:30 p.m. The tenant attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The tenant submitted written evidence of 10 Day Notices issued by the landlord on August 14, 2012 and August 16, 2012. The tenant testified that he handed a copy of his dispute resolution hearing package to AV, one of the landlord's representatives, on August 21, 2012. I am satisfied that the above documents were served to one another in accordance with the *Act*.

Issues(s) to be Decided

Should the landlord's 10 Day Notice be cancelled?

Background and Evidence

This periodic tenancy commenced on or about April 1, 2010. Monthly rent is set at \$450.00, payable in advance on the first of each month. The landlord continues to hold the tenant's \$225.00 security deposit.

The tenant testified that he paid all of his August 2012 rent, the issue identified in both 10 Day Notices, by August 22, 2012. He said that he has also paid all of his September 2012 rent. He testified that the landlord has issued him receipts for both of these payments for rent. The tenant said that it was likely that the landlord did not attend the teleconference hearing because the landlord had accepted the tenant's rental payments and was no longer interested in pursuing an end to this tenancy on the basis of the 10 Day Notices.

Analysis

Based on the undisputed evidence of the tenant, I find that the landlord has not contested the tenant's application for dispute resolution to have the 10 Day Notices

cancelled. As such, I allow the tenant's application to cancel the 10 Day Notices issued on August 14, 2012 and August 16, 2012. This tenancy is continued.

Conclusion

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

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: September 20, 2012

Residential Tenancy Branch