



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR RR FF

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act"), seeking to cancel a 10 day Notice to End Tenancy for Unpaid Rent or Utilities, to request a rent reduction for repairs, services or facilities agreed upon but not provided, and to recover the filing fee.

The tenant and an agent for the landlord (the "agent") attended the hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

The agent confirmed that she received the evidence from the tenant and had the opportunity to review it prior to the hearing. I find the landlord was served in accordance with the *Act*.

Preliminary Matter

The tenant requested to withdraw his claim for a rent reduction during the hearing. I grant the tenant's request to withdraw his request for a rent reduction with leave to reapply.

Issue to be Decided

- Should the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities be cancelled?

Background and Evidence

The parties agree that a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice") was served on the tenant dated September 5, 2012. The tenant filed to dispute the Notice on the same date.

The parties agreed during the hearing, that on September 5, 2012, the tenant paid the rent and explained that he was unable to pay it due to the long weekend at the beginning of September 2012. The agent confirmed that there were no issues as the tenant was not in arrears.

Analysis

Based on the documentary evidence and the oral testimony provided during the hearing, and on the balance of probabilities, I find the following.

Tenant's request to cancel the Notice – The parties agreed that the tenant paid the rent on the same date the Notice was issued, September 5, 2012. Therefore, pursuant to section 46 of the *Act*, **I cancel** the Notice as it has no effect. **I order** the tenancy to continue until ended in accordance with the *Act*.

As the tenant's application had merit, I **grant** the tenant the recovery of the filing fee of \$50.00. **I authorize** the tenant to deduct the amount of **\$50.00** from the rent owed for November 2012.

Conclusion

I cancel the 10 Day Notice for Unpaid Rent and Utilities.

I order the tenancy to continue until ended in accordance with the *Act*.

I grant the tenant the recovery of the \$50.00 filing fee and authorize the tenant to deduct that amount from November 2012 rent.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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: October 05, 2012

Residential Tenancy Branch