



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

### **Dispute Codes:**

CNR

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a Ten-Day Notice to End Tenancy for Unpaid Rent dated October 17, 2012 and effective October 27, 2012.

Despite being served in person the landlord did not appear.

### **Issue(s) to be Decided**

Should the Ten Day Notice to End Tenancy for Unpaid Rent be cancelled?

### **Background and Evidence**

Submitted into evidence by the applicant/tenant in support the application was, a copy of the Ten-Day Notice to End Tenancy dated October 17, 2012.

The month-to-month tenancy began approximately 13 years ago. The tenant was not sure how much the rent is but stated that it is between \$500.00 and \$600.00 per month.

The tenant acknowledged receiving the Ten Day Notice to End Tenancy for Unpaid Rent and the tenant acknowledged that the rent was not paid. The tenant stated that he had issues with respect to the deficient living conditions in the unit.

### **Analysis**

Section 26 of the Act states that rent must be paid when it is due, under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has a right under this Act to deduct all or a portion of the rent.

Given the testimony of the tenant, I find that the tenant did not pay the rent when rent was due, nor did the tenant pay the arrears within 5 days of receiving the Notice to End Tenancy for Unpaid Rent.

I find that, under the Act, the tenant did not have a right to withhold the rent. I make no findings with respect to the amount of the arrears owed. Accordingly, I must dismiss the tenant's application requesting an order to cancel the Ten-Day Notice.

**Conclusion**

The tenant's application is dismissed without leave to reapply.

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 26, 2012.

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Residential Tenancy Branch