

DECISION

Dispute Codes CNR
Introduction

This is an application filed by the Tenant for an order to cancel the notice to end tenancy issued for unpaid rent or utilities.

Both parties attended the hearing by conference call and have confirmed receipt of the notice of hearing and evidence package submitted. As such, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Tenant entitled to an order cancelling the notice to end tenancy?

Background, Evidence and Analysis

The Tenant states that the Landlord served him with a 10 day notice to end tenancy for unpaid rent or utilities dated November 3, 2012 on November 4, 2012. The notice states that rent of \$3,350.00 was due on November 1, 2012 and was unpaid. The stated effective date of the notice is November 13, 2012. The Tenant's details of dispute state that the Landlord failed to notify him of any rent arrears prior to the notice being issued. Both parties confirmed that the notice served states that the rent owed was \$3,350.00 as of November 1, 2012 and that the Tenant made a partial payment of \$200.00. The Tenant has acknowledged that he is in rent arrears of \$3,000.00 as of November 3, 2012 when he was served with the notice to end tenancy as stated by the Landlord.

I find based upon the undisputed testimony of both parties that the Tenant has failed to establish a claim for an order to cancel the notice to end tenancy issued for unpaid rent. The Tenant confirmed in his written and direct evidence that rent was owed and unpaid as stated by the Landlord. The Tenant's application is dismissed without leave to reapply.

Conclusion

The Tenant's application is dismissed.

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: December 12, 2012.

Residential Tenancy Branch