



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

OPR, MNR, CNR, FF

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession pursuant to Section 55 of the Act. The tenant applied for an order to cancel the notice to end tenancy for rent, pursuant to Section 46 of the Act.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

Issues to be Decided

- Is the landlord entitled to an order of possession for unpaid rent?
- Has the tenant proven that the Notice to End Tenancy for Unpaid Rent should be cancelled?

Background and Evidence

Based on the testimony of both parties, I find that the tenancy started in August 2010 and current rent is \$1,340.00. A security deposit of \$645.00 was paid.

The landlord testified that the respondent tenants failed to pay rent July 1, 2013 and the landlord issued a Ten Day Notice to End Tenancy for Unpaid Rent on July 9, 2013.

The tenant testified that they did attempt to pay rent to the landlord, but the landlord was not willing to accept the rent. The tenant testified that the rent was eventually accepted by the landlord and the tenancy has been reinstated.

Analysis

Based on the testimony and evidence of both parties, I find that the landlord reinstated the tenancy.

Therefore I find that the dispute over the Ten-Day Notice to End Tenancy is now moot. Accordingly I hereby order that the Ten-Day Notice to End Tenancy for Unpaid Rent dated July 9, 2013 is cancelled and of no force nor effect.

I hereby dismiss the landlord's application in its entirety without leave.

I order that the tenant is entitled to be reimbursed the \$50.00 cost of this application and that the tenant deduct this amount from the next rental payment owed to the landlord.

Conclusion

The tenant is successful in the application and the request to cancel the Ten Day Notice to End Tenancy for Unpaid Rent is granted. The landlord is not successful in their cross application which is dismissed without leave.

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: August 14, 2013

Residential Tenancy Branch