



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, O

Introduction

This is an application to cancel a Notice to End Tenancy that was given for nonpayment of rent, and a request for recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments have been submitted by the applicant prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on June 26, 2013; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not to cancel a Notice to End Tenancy that was given for nonpayment of rent.

Background and Evidence

The applicant testified that:

- On June 17, 2013 he received a 10 day Notice to End Tenancy, by mail, that stated that the June 2013 rent of \$3500.00 had not been paid.
- The June 2013 rent was however paid by direct deposit to the landlord's account on June 1, 2013 at 3:49 PM and he has supplied a copy of the deposit receipt as evidence.
- He is therefore requesting that the Notice to End Tenancy be canceled and that his filing fee be recovered.

Analysis

I have reviewed the evidence supplied by the applicant, and it is my finding that the applicant has deposited \$3500.00 to the landlord's account on June 1, 2013. Therefore, since the rent for this unit is \$3500.00 per month, it's my finding that the full June 2013 rent has been paid.

I therefore allow the applicants request to cancel the Notice to End Tenancy and for recovery of the filing fee.

Conclusion

The 10 day Notice to End Tenancy dated June 11, 2013 is hereby canceled and this tenancy continues.

I further order that the applicant/tenant may make a one-time \$50.00 deduction from future rent payable to the landlord to cover the cost of the filing fee.

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: July 24, 2013

Residential Tenancy Branch

