



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 the tenant's application pursuant to section 46 of the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice).

The landlord did not attend this hearing, although I waited until 1:47 p.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 1:30 p.m. The tenant attended the hearing and was given a full opportunity to be heard, to present evidence, to make submissions and to give sworn oral testimony.

The tenant testified that the landlord handed him a 10 Day Notice on October 2, 2013. He testified that he handed the landlord a copy of his dispute resolution hearing package on October 8, 2013. I am satisfied that the parties served one another with these documents in accordance with the *Act*.

Issues(s) to be Decided

Should the landlord's 10 Day Notice be cancelled?

Background and Evidence

Other than the tenant's application for dispute resolution, neither party submitted any written evidence for this hearing.

The tenant gave sworn testimony that he has lived in this rental unit for about 20 years. He testified that his current monthly rent is set at \$695.00, payable on the first of each month. He said that he paid \$200.00 of his monthly rent for October 2013, on October 1, 2013. He testified that he paid the remaining \$495.00 of his October 2013 rent on October 26, 2013. He read into the record of this hearing the contents of an email he had received from the landlord in which the landlord stated that he was satisfied with the tenant's payment of his rent for October 2013, and was no longer seeking an end to this tenancy on the basis of the 10 Day Notice issued to the tenant on October 2, 2013.

Based on his discussions with the landlord and this email, the tenant said that he did not expect the landlord to attend this hearing.

Analysis

Based on the tenant's undisputed sworn testimony and the landlord's failure to attend this hearing or provide any written evidence, I allow the tenant's application to cancel the 10 Day Notice of October 2, 2013. The 10 Day Notice is cancelled.

Conclusion

I allow the tenant's application to cancel the 10 Day Notice, which is no longer of any force or effect. This tenancy continues.

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 18, 2013

Residential Tenancy Branch

