



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 under the *Residential Tenancy Act* (the “Act”) by the tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

The tenant attended the hearing. The tenant gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the “Notice of Hearing”) was considered. The tenant testified that the landlord was served with the Notice of Hearing on October 30, 2013 at approximately 3:00 p.m. and that the landlord accepted the Notice of Hearing when it was served on him personally. Based on the tenant’s undisputed testimony I accept that the landlord was sufficiently served with the Notice of Hearing in accordance with the *Act*.

Preliminary Matter, Analysis and Conclusion

The tenant applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”); however, did not submit a copy of the 10 Day Notice in evidence. The tenant was unable to recall specific details of the 10 Day Notice as she did not have the 10 Day Notice before her during the hearing as she had submitted the 10 Day Notice to the income assistance office.

The tenant testified that after she submitted the 10 Day Notice to the income assistance office, her rent was paid and that subsequent rent has also been paid and accepted by the landlord.

Based on the above, **I dismiss** the tenant's application **without leave to reapply**, as she failed to submit a copy of the 10 Day Notice and was unable to recall specific details such as the date the 10 Day Notice was issued or when it was served by the landlord, other than that it was served sometime in October of 2013. Based on the undisputed testimony of the tenant; however, **I find** that the landlord reinstated the tenancy by accepting rent for subsequent months since issuing the 10 Day Notice in October 2013.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 11, 2013

Residential Tenancy Branch

