



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 by the tenant seeking to have a Ten Day Notice to End Tenancy for Unpaid rent or Utilities set aside. The tenant presented evidence that the landlord was served with the application for dispute resolution and notice of hearing by registered mail on December 3, 2013. I found that the landlord had been properly served with notice of the tenants claim and the date and time of the hearing and the hearing proceeded in their absence. The tenant gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to have the notice set aside?

Background and Evidence

The tenancy began on or about March 1, 2011. Rent in the amount of \$820.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$385.00.

The tenant gave the following testimony:

The tenant stated that he received a Ten Day Notice to End Tenancy for Unpaid Rent or Utilities from the landlord dated November 28, 2013 with an effective date of December 8, 2013 for not having paid \$820.00 rent due in the month of September. The tenant stated that that landlord is trying to get rid of him. The tenant stated that he has receipt for the paid rent that was submitted as evidence.

Analysis

I accept the tenant's undisputed testimony. The tenant has provided a copy of a rental receipt for the month of September 2013. Based on the above and in the absence of any disputing documentary or testimonial evidence from the landlord; I hereby set aside the notice.

Conclusion

The Ten Day Notice to End Tenancy for Unpaid Rent or Utilities dated November 28, 2013 with an effective date of December 8, 2013 is set aside.

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: January 24, 2014

Residential Tenancy Branch

