



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This is an application filed by the Tenant for an order to cancel a notice to end tenancy issued for unpaid rent.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package, I am satisfied that both parties have been properly served. Both parties confirmed that no documentary evidence was submitted.

Issue(s) to be Decided

Is the Tenant entitled to an order cancelling the notice to end tenancy?

Background and Evidence

Both parties confirmed in their direct testimony that the Tenant was served with the 10 day notice to end tenancy issued for unpaid rent dated February 12, 2014 on the same date by posting it to the rental unit door. The Landlord states that he is unable to find a copy of the signed tenancy agreement .

The Tenant's application states that she needs more time to access funds to pay the rent and questions the amount claimed on the 10 day notice as she has made a payment of \$8,400.00 in October of 2013. The Landlord states that there is rent owed, but is unable to provide any details of how much is owing as he is not in possession of the rental ledger/spreadsheet that was used to determine the owed rent.

Analysis

I accept the undisputed testimony of both parties and find that the Tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent dated February 12, 2014. As the Tenant has disputed the amount owing and the Landlord is unable to provide sufficient details of the amount of rent owing, I find on a balance of probabilities that the Tenant has established grounds to cancel the notice to end tenancy. The Tenant's Application is granted. The notice dated February 12, 2014 is cancelled. The Tenancy shall continue.

Conclusion

The Tenant's Application to cancel the notice to end tenancy is granted.

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: March 04, 2014

Residential Tenancy Branch

