



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, OLC

Introduction

The tenant has applied for dispute resolution, seeking an order for more time to dispute a 10 day Notice to End Tenancy (the "Notice") given for unpaid rent or utilities, and an order to cancel the notice.

Issues to Be Decided

Should the Notice be cancelled, and the tenancy continue?

Background and Evidence

This tenancy of a basement suite in the landlord's home began on December 1, 2002. Rent is due on the 1st day of each month in the amount of \$385.00. The tenant received a 10-Day Notice to End Tenancy on March 2, 2014, for non-payment of rent. The tenant did not pay the arrears or file an application of dispute of the Notice within the required 5 day period. Subsequently this dispute was filed, but the tenant also subsequently paid all outstanding rent, as well as rent that became due since. The landlord accepted the rental payments, and confirmed that the tenant is fully caught up in rent. Both parties confirmed that there are no further issue of dispute in this tenancy.

Analysis

I find that the unconditional acceptance by the landlord of the arrears of rent, and of the subsequent rent for May and June serve to reinstate the tenancy, since that rent was accepted after the effective end date of the tenancy, as set out in the 10 day Notice to End Tenancy of March 2, 2014. Accordingly, that notice is rendered void, and the tenancy shall continue.

Conclusion

The Notice to End Tenancy is cancelled. The 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: June 06, 2014

Residential Tenancy Branch