



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied for an order of possession pursuant to a notice to end tenancy for unpaid rent.

Preliminary Issue – Payment of Rent

The Landlord submitted the following evidentiary material:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord on April 1, 2014, indicating a monthly rent of \$1500 due on the first of each month;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on July 2, 2014, with an effective vacancy date of July 11, 2014, for failure to pay rent in the amount of \$3000 that was due on July 1, 2014;
- a copy of the Proof of Service of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, showing that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by posting the notice on the rental unit door in the presence of a witness on July 2, 2014;
- a receipt from the landlord indicating that the tenants paid \$1500 on July 3, 2014 and \$1500 on July 10, 2014.

Analysis

The notice to end tenancy was posted on the rental unit door and is deemed to have been received by the tenants on July 5, 2014. The tenants therefore would be required to pay all of the outstanding rent within five days of the date that they were deemed served with the notice. By July 10, 2014, the tenants paid the \$3000 of outstanding rent indicated on the notice.

I find that the tenants paid all of the outstanding rent owed within the five days indicated under section 46(4) of the Act, and the notice to end tenancy for unpaid rent is therefore cancelled.

Conclusion

The landlord's application is dismissed.

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: August 6, 2014

Residential Tenancy Branch

