



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

This hearing was scheduled to deal with a tenant's request to cancel a 10 Day Notice to End Tenancy for Unpaid Rent. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

This dispute concerned a 10 Day Notice to End Tenancy for Unpaid Rent issued on September 2, 2014. At the outset of the hearing the parties confirmed that the tenant paid the rent within five days of receiving a 10 Day Notice and that the tenancy is still in effect. As the Act provides that a 10 Day Notice is automatically nullified if payment of the rent is made within five days of receiving a 10 Day Notice I determined that this Application for Dispute Resolution was unnecessary.

The tenant wanted it known that the rent was only one day late and the landlord could have just asked for the rent on September 2, 2014 instead of giving him a 10 Day Notice. The landlord explained that he was following standard procedure. Since rent is due on the 1st day for this tenancy and the landlord issued a 10 Day Notice on September 2, 2014 because he had not yet received rent, I was satisfied the landlord was within his right to serve the tenant with a 10 Day Notice and there was no violation of the Act on part of the landlord.

As I was satisfied the Notice was valid and it was automatically cancelled by way of payment I found there was no further determination for me to make and I dismissed the tenant's Application for Dispute Resolution.

The tenant attempted to introduce a different issue after I dismissed his Application; however, I did not allow it as the tenant had not indicated any other issue in filing this Application for Dispute Resolution. The tenant was encouraged to raise his concerns

with the landlord and if a satisfactory outcome is not achieved he may seek further remedy by way of a different Application for Dispute Resolution.

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: October 23, 2014

Residential Tenancy Branch

