



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

This is an application filed by the tenant for an order to cancel a notice to end tenancy issued for unpaid rent, to obtain an order for the landlord to make repairs to the unit, site or property and recovery of the filing fee.

The tenant attended the hearing by conference call and gave undisputed testimony. The landlord did not attend or submit any documentary evidence. The tenant states that the landlord was served with the notice of hearing package and the submitted documentary evidence in person on September 22, 2014. I accept the undisputed evidence of the tenant and find that the landlord was properly served.

At the beginning of the hearing the tenant stated that the landlord has sold the house and is no longer his landlord. The tenant states that he has been served with a new notice to end tenancy issued by the new landlord. As such, I find that the tenant needs to serve the new landlord with his application for repairs as such this portion of the application is dismissed with leave to reapply.

Issue(s) to be Decided

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

Background and Evidence

The tenant states that he was served with a 10 day notice to end tenancy issued for unpaid rent dated September 21, 2014 in person on the same date. The notice states that the tenant failed to pay rent of \$1,500.00 that was due on September 1, 2014. The tenant states that all rent is paid in full and that there are no arrears.

Analysis

I accept the undisputed testimony of the tenant and find that the landlord has failed to provide sufficient evidence that the tenant has not paid rent as required. As such, the landlord's notice dated September 21, 2014 is set aside and the tenancy shall continue.

Conclusion

The tenant's application to cancel the notice to end tenancy dated September 21, 2014 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: November 06, 2014

Residential Tenancy Branch

