



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was served on the Tenant on January 4, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing, by registered mail to where the landlord carries on business on November 6, 2015. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated January 2, 2015?

### Background and Evidence

The tenancy began on May 6, 1991. The present rent is \$723 per month payable in advance on the first day of each month. The tenant(s) did not pay a security deposit as none was required.

The tenant testified she was advised by a representative of the landlord that she could mail the rent to the landlord. On December 31, 2014 the landlord mailed a money order for the full amount of the rent to the landlord. The landlord deposited it on January 5, 2015 as evidenced by the tenant's banking records. The tenant testified the likely

reason for the delay in receiving it was the holidays and weekend surrounding the New Year.

Analysis

The Residential Tenancy Act provides that where a tenant pays the arrears within 5 days of receiving the 10 day Notice the Notice is void. **I ordered that the 10 day Notice to End Tenancy dated January 2, 2015 be cancelled.** The tenancy shall continue with the rights and obligations of the parties remaining unchanged.

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: January 27, 2015

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Residential Tenancy Branch

