



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction:

This was an application by a tenant to cancel a Notice to End the Tenancy for Non-Payment of Rent dated May 11, 2015, with an effective date of May 21, 2015. Only the tenant and her advocate attended the teleconference hearing.

Issues: Is the tenant entitled to any relief?

Background and Evidence:

The tenant testified that the Notice to End the Tenancy was taped to her door on May 11, 2015. I find that the Notice to End a Residential Tenancy was served on that date. The tenant testified that she sent her application for dispute resolution by registered mail to the landlord on May 15, 2015. The tenant provided a tracking number she received from Canada Post. With reference to Canada Post's web site and in reliance upon the tenant's testimony, I find that the Application for Arbitration/Notice of Hearing was personally served on the landlord on May 19, 2015.

The Notice to End the Tenancy states that the tenant failed to pay \$ 500.00 on May 1, 2015. The tenant testified that the monthly rent was \$ 600.00 and that she paid the rent on May 1, 2015. The tenant produced a copy of a rental receipt issued by the landlord confirming the payment of \$ 600.00 on May 1, 2015. The tenant requested that I cancel the Notice.

Analysis:

With respect to the applicant's claim I find as follows: The Notice to End a Residential Tenancy is based on non-payment of rent. The Residential Tenancy Act permits a tenant to apply to have the Notice set aside where the tenant disputes that rent is owed or where the amount of rent that is unpaid is an amount the tenant is permitted under this Act to deduct from the rent.

Here the tenant has adduced uncontradicted evidence that she paid the rent for which the landlord alleged on his notice that she failed to pay. I accept the tenant's evidence and find that the rent was paid in full and on time. Accordingly I have cancelled the Notice to End the Tenancy for Non-payment of rent dated May 11, 2015.

Conclusion:

I have cancelled the Notice to End the Tenancy for Non-payment of rent dated May 11, 2015 with an effective date of May 21, 2015. I Order that 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 02, 2015

Residential Tenancy Branch

