



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;

The tenant attended the hearing by conference call and gave undisputed testimony. The landlord did not attend or submit any documentary evidence. The tenant provided undisputed affirmed testimony that the landlord was served with the notice of hearing package and the submitted documentary evidence in person on September 11, 2015 at the landlord's place of work. I accept the undisputed affirmed testimony of the tenant that he served the landlord with the notice of hearing package and the submitted documentary evidence in person on September 12, 2015 as per section 88 and 89 of the Act.

Issue(s) to be Decided

Is the tenant entitled to an order cancelling the 10 Day Notice?

Background and Evidence

Both parties confirmed that the landlord served the tenant with a 10 Day Notice dated September 8, 2015 which states that the tenant failed to pay rent of \$550.00 that was due on September 1, 2015 and displays an effective end of tenancy date of September 18, 2015. The tenant confirmed in his direct testimony that he was served with the 10 Day Notice on September 8, 2015.

The tenant disputed the landlord's notice stating that rent was paid.

Analysis

I accept the undisputed affirmed testimony of the tenant and find on a balance of probabilities that the tenant has paid rent. The tenant's application is granted. The landlord's 10 Day Notice is set aside and the tenancy shall continue.

Conclusion

The tenant's application is granted. The 10 Day Notice dated September 8, 2015 is set aside and the tenancy shall continue.

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 10, 2015

Residential Tenancy Branch

