



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MARK 1 DEVELOPMENTS & STANMAR SERVICES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, FF

Introduction

This matter dealt with an application by the Tenant to cancel a 10 Day Notice to End Tenancy for unpaid rent and to recover the filing fee.

At the start of the conference call the Tenant said she moved into the unit April 1, 2016 and the Landlord issued the Notice to End Tenancy for unpaid rent for May, 2016 in error as clause 12 of the addendum to the tenancy agreement says the month of May, 2016 is rent free as an incentive to rent the unit. The Tenant said the Landlord issued a 10 Day Notice for unpaid rent dated May 19, 2016 for the May, 2016 rent by mistake. The Tenant continued to say the Landlord issued an apology letter to her for the mistake, reversed the late fee charges and gave the Tenant a coffee gift card. As a result the Tenant said the Landlord would not be calling into the hearing.

Further the Tenant said the unpaid rent issue has been resolved but the Tenant said she is still seeking to recover the filing fee of \$100.00 from the Landlord.

Analysis

I accept the Tenant's testimony that the 10 Day Notice to End Tenancy for unpaid rent dated May 19, 2016 was issued in error and has been withdrawn by the Landlord.

Decision

As the Landlord did not attend the hearing to confirm the Notice to End Tenancy dated May 19, 2016 was withdrawn and as I accept the Tenant's testimony that the Notice was withdrawn; I order the 10 Day Notice to End Tenancy for unpaid rent dated May 19, 2016 is cancelled.

Further as the Tenant has been successful in this matter I order the Tenant to reduce the July, 2016 rent from \$1,500.00 to \$1,400.00 in order to recover the filing fee for this application from the Landlord.

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 22, 2016

Residential Tenancy Branch