



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This was a hearing with respect to the tenant's application to cancel a Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The tenant called in and participated in the hearing. The landlord did not attend, although he was personally served with the application and Notice of Hearing by A.G. the tenant's acquaintance on June 9, 2016

Issue(s) to be Decided

Should the Notice to End Tenancy dated June 6, 2016 be cancelled?

Background and Evidence

The rental unit is a basement suite in Surrey. The tenancy started in September, 2015. The rent is \$750.00 and the tenant paid a security deposit of \$375.00. The landlord served the tenant with a 10 day Notice to End Tenancy for unpaid rent dated June 6, 2016. The tenant testified that her landlord was in the hospital and when he was discharged and returned home he asked the tenant for the rent. She paid him \$650.00, but did not receive a receipt. On June 6th he gave the tenant a Notice to End Tenancy.

The tenant said that since receiving the 10 day Notice to End Tenancy she has made further payments. She submitted a receipt signed by the landlord acknowledging that June rent has been paid.

Since the tenant filed this application to cancel the 10 day Notice to End Tenancy, the landlord served the tenant with a two month Notice to End Tenancy for landlord's use.

Analysis

The tenant provided proof that rent for June has been paid. The landlord did not attend the hearing although personally served with the application and Notice of Hearing. I find that the tenant has established that rent in the amount stated in the Notice to End Tenancy was not due to the landlord when the notice was given. I therefore grant the tenant's application and order that the 10 day Notice to End Tenancy dated June 6, 2016 be, and is hereby cancelled. The tenancy will continue until ended in accordance with the *Residential Tenancy Act*.

The tenant was advised at the hearing that if she intends to dispute the two month Notice to End Tenancy for landlord's use she must file a new application for dispute resolution.

Conclusion

The tenant's application has been granted. The Notice to End Tenancy is cancelled. No filing fee was paid and accordingly no fee is awarded.

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: July 20, 2016

Residential Tenancy Branch