



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Triple Star Holdings
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR; CNC

Introduction

This Hearing was scheduled to consider the Tenant's Application for Dispute Resolution seeking to cancel a Notice to End Tenancy for Unpaid Rent; and to cancel a Notice to End Tenancy for Cause.

When a tenant makes an application to cancel a notice to end a tenancy, the tenant must give the Residential Tenancy Branch a copy of the notice so that the arbitrator may confirm its validity. In this case, the Tenant provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent, dated August 12, 2016. She did not provide a copy of a notice to end tenancy for cause.

The Tenant testified that she served the Landlord with her Application and Notice of Hearing documents by hand delivering the documents to the Landlord's agent on August 29, 2016. She stated that her rent payments have been made by automatic withdrawal for the past 5 years, but that there was a banking error for her August and September rent. The Tenant stated that the owners of the rental property received a "lost/stolen" cheque notice from the bank and that it has all been sorted out. The Tenant stated that rent is now up-to-date.

Based on the Tenant's affirmed testimony, I am satisfied that the Landlord was served with the Tenant's Notice of Hearing documents. The onus is on a landlord to show that a tenancy should end for the reasons given on a notice to end tenancy. In the absence of evidence from the Landlord to dispute the Tenant's evidence, the Notice to End Tenancy dated August 12, 2016, is cancelled.

Conclusion

The Tenant's application to cancel a notice to end tenancy for cause, if such a document exists, is dismissed with leave to reapply. This does not extend any time limit under the Act.

The Tenant's application to cancel the 10 Day Notice to End Tenancy for Unpaid Rent is granted. The tenancy will continue until it is ended under the provisions of the Act.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: October 11, 2016

Residential Tenancy Branch