



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR

Introduction

This hearing dealt with an application by the Tenants to cancel a 10 Day Notice to End Tenancy For Unpaid Rent.

The matter was scheduled as a teleconference hearing. Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. All participants in the hearing provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Did the Tenants pay the rent within five days of receiving the 10 Day Notice and should the Notice be cancelled?

Background and Evidence

The Parties testified that the tenancy began approximately seven years ago and is a month to month tenancy. Rent in the amount of \$890.00 is due on the first day of each month. The Tenants paid the Landlord a security deposit of \$412.50 and a pet damage deposit of \$412.50.

The Landlord testified that he issued the Tenants a 10 Day Notice To End Tenancy for Unpaid Rent or Utilities on March 2, 2017.

The Landlord testified that he received the rent owing for March 2017, on March 5, 2017.

The Tenant responded that her co-tenant is in the hospital and there has been some confusion involving the hospital and the Landlord concerning the tenancy and payment of rent.

Analysis

I find that the Tenants paid the rent owing for March 2017, within five days of receiving the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated March 2, 2017.

Section 46(4) of the Act states that a Notice has no effect if the Tenant pays the overdue rent within 5 days after receiving the Notice.

The Tenants' application is successful. The 10 Day Notice issued by the Landlord dated March 2, 2017, is set aside. The tenancy will continue until ended in accordance with the Act.

Conclusion

The Tenants' application is successful. The 10 Day Notice issued by the Landlord dated March 2, 2017, is cancelled.

The tenancy will continue until ended in accordance with the Act.

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: April 04, 2017

Residential Tenancy Branch

