



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* ("Act") for cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 47.

The tenant indicated that she had initially indicated she was seeking several other items in her application for dispute resolution but testified that those items were checked on the application form in error. The tenant confirmed that the only relief she is seeking in her application is the cancellation of the landlord's 10 Day Notice.

The tenant acknowledged receipt of the 10 Day Notice on or about March 20, 2017 when it was posted on her rental unit door. The tenant testified that she filed an application for dispute resolution on March 24, 2017 and personally served it on the landlord on that same date. Based on the undisputed testimony of the tenant and in accordance with section 89(1) of the *Act*, I find that the landlord was duly served with the tenant's application on March 24, 2017, the day it was provided in person to the landlord.

Issue(s) to be Decided

Should the 10 Day Notice be cancelled?

Background and Evidence

The tenant provided undisputed testimony regarding this tenancy. This tenancy began in April, 2014. The rental unit is subsidized by the provincial government and the rent amount is recalculated periodically. The current monthly rent is \$510.00 paid directly by the provincial government to the landlord.

Analysis

Section 46 of the *Act* provides that upon receipt of a notice to end tenancy for non-payment of rent the tenant may, within ten days, dispute the notice by filing an

application for dispute resolution with the Residential Tenancy Branch. I find that the tenant has filed the application for dispute resolution within the allotted time.

When the tenant files an application to dispute the notice, the landlord bears the burden to prove the grounds for the 10 Day Notice. Because the landlord did not attend the hearing, I find the landlord has failed to satisfy the burden of proof and I therefore allow the tenant's application to cancel the 10 Day Notice.

Conclusion

The tenant's application to cancel the 10 Day Notice is allowed. The Notice is of no continuing force or effect. This tenancy continues 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 27, 2017

Residential Tenancy Branch