



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNR OPR

### **Introduction:**

Only the tenant attended the hearing and gave sworn testimony. He said he was served with a 10 Day Notice to End the Tenancy for non-payment of rent dated November 4,, 2017 to be effective November 14,, 2017 by posting it on the door. He said he served the landlord with his Application for Dispute dated November 9, 2017 by express mail. I find the documents were sufficiently served for the purposes of this hearing. The tenant applies pursuant to section 46 of *The Residential Tenancy Act* (the Act) to cancel the Notice to End Tenancy.

**Issues:** Is the tenant entitled to any relief?

### **Background and Evidence:**

Only the tenant attended the hearing and was given opportunity to be heard, to provide evidence and to make submissions. The tenancy in his present unit began about July 2017, rent is \$755 after the latest increase and he paid a security deposit of \$420 which was carried over from his previous building where the rent was higher. He said the matter has been resolved as he paid the outstanding rent of \$730 (plus \$30) on November 14, 2017 and has since paid December rent of \$755.

### **Analysis:**

The Notice to End a Residential Tenancy is based on non-payment of rent. Section 46 of the Act provides that a tenant may pay the outstanding rent within 5 days after receiving the Notice to End Tenancy. Although the tenant was a few days late to effectively void the Notice, I find his evidence credible that he has resolved matters with the landlord and his tenancy is continuing. In support of his credibility is that he has continued to pay, and the landlord to accept his rent without limitation.

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**Conclusion:**

I set aside and cancel the Notice to End Tenancy dated November 4, 2017. The tenancy is continued.

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: January 24, 2018

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Residential Tenancy Branch