



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- the cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent (the "**Notice**") pursuant to section 46; and
- the reimbursement of the filing fee pursuant to section 72.

Both parties attended the hearing. The landlord's husband attended the hearing as well.

At the outset of the hearing both parties advised me that the tenant has vacated the rental unit and that the tenant was \$2,200 in rental arrears. The tenant stated that she did not oppose repaying this amount to the landlord, but wanted to make sure that the Notice was issued in accordance with the Act. The tenant stated that she was one day late with her October rent, and then the landlord issued the Notice. She indicated that she did not feel that this was right. I advised her that a landlord is entitled to issue such a notice once rent is past due, and that the tenant has five days after receiving one to pay the arrears, which would have the effect of cancelling it.

The tenant accepted this and stated that she "was fine with" paying the landlord \$2,200 in rent that she owed. Section 55(1.1) of the Act allows an arbitrator to make a monetary order in favour of the landlord on a tenant's application to cancel a 10 day notice to end tenancy. Based on the tenant's evidence, I find that the tenant was in arrears as specified on the Notice and that it was issued for a valid reason. Accordingly, pursuant to section 55(1.1) of the Act, I order that the tenant pay the landlord this amount.

Consent Order

At the hearing, the landlord stated that the tenant had abandoned a recreational vehicle on the residential property. The tenant stated that she had not "abandoned" it, and that she intended to retrieve it. The parties agreed that the tenant would remove it by December 15, 2022. Accordingly, by consent of the parties, I order that the tenant must remove the recreational vehicle from the residential property on or before December 15, 2022.

Conclusion

I dismiss the tenant's application to cancel the Notice, as she has already vacated the rental unit.

I order that the tenant pay the landlord \$2,200, representing the full amount of arrears owed.

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: November 14, 2022

Residential Tenancy Branch