



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, FF

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and return of the filing fee costs.

The tenant stated that on November 8, 2012 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the landlord via registered mail at the address noted on the Application. A Canada Post tracking number and receipt was provided as evidence of service.

These documents are deemed to have been served in accordance with section 89 of the Act; however the landlord did not appear at the hearing.

The landlord supplied a copy of a letter issued to the tenant, dated November 26, 2012, in which the landlord confirmed that rent had been paid, that the 10 Day Notice to End Tenancy issued on November 2, 2012, was issued in error and that the tenant's account was in good standing.

As the landlord has confirmed the tenant paid rent that was due, I find that the 10 Day Notice to End Tenancy for Unpaid Rent issued on November 2, 2012 is of no force and effect. The tenancy will continue until it is ended in accordance with the Act.

As the Notice ending tenancy was issued in error and the landlord did not intervene prior to the time the tenant was required to dispute the Notice, I find that the tenant is entitled to recover the \$50.00 filing fee, which may be deducted from the next month's rent due.

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 *Residential Tenancy Act*.

Dated: December 05, 2012.

Residential Tenancy Branch