



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, FF

### Introduction

This is an application to cancel a Notice to End Tenancy that was given for cause and request the recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issue is whether or not to cancel or uphold a Notice to End Tenancy that was given for cause.

### Decision reasons

The landlord served the tenant for the Notice to End Tenancy with an effective end of tenancy date of September 30, 2014.

The landlord has however collected rent for the month of October 2014, and therefore has re-established the tenancy.

The October 2014 rent was not collected for “use and occupancy only”.

Conclusion

The landlord re-established the tenancy by collecting rent for the month of October 2014, and therefore can no longer use the one month Notice to End Tenancy dated August 21, 2014 to end this tenancy.

I make no order regarding the filing fee.

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: October 22, 2014

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Residential Tenancy Branch

