



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: MNR, OPR, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order of Possession; and
3. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenant was duly deemed served with the 10 day Notice to End Tenancy for Unpaid Rent and the Application for Dispute Resolution hearing package both sent by way of registered mail.

The tenant did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

Background and Findings

Order of Possession

The landlord has requested an Order of Possession however the landlord gave testimony that she has accepted payment of rental arrears without noting that they were being accepted for "Use and Occupancy Only". I will therefore dismiss the landlord's claim for an Order of Possession finding that this tenancy has been reinstated.

Monetary Order

Rental Arrears

The landlord's original claim was for \$1,064.80 representing rent for April (\$164.90), May (\$450.00) and June 2010 (\$450.00). The landlord testified that while the tenant has paid almost all of those arrears, he has not paid arrears for June (\$164.50) or any rent for July (\$450.00) and August 2010 (\$450.00) and the same amount as claimed in the Application for Dispute Resolution is owing (\$1,064.80) although for different months than those claimed in that application. The landlord wished to amend her application in this regard. I will allow that amendment finding that the tenant has had notice of the claim for that sum was being made against him.

Filing Fees

I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Rental Arrears	\$1,064.80
Filing Fees for the cost of this application	50.00
Total Monetary Award	\$1,114.80

Conclusion

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.,