



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNDC, MNR, MNSD, OPR

### Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on May 20, 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$2100.00 in unpaid rent, and a request for recovery of the \$50.00 filing fee.

### Background and Evidence

The applicant testified that:

- The tenant only paid a portion of the rent for the month of May 2011, and at this time there is still \$750.00 outstanding.
- Therefore on May 9, 2011 a Notice to End Tenancy for non-payment of rent was posted on the tenant's door.
- The tenant still has not paid the outstanding May 2011 rent, although she has since paid 1/2 of the June 2011 rent in the amount of \$675.00.

The applicants are therefore requesting an Order of Possession, based on the Notice to End Tenancy, and a monetary order as follows:

Rent outstanding for May 2011	\$750.00
Filing fee	\$50.00
Total	\$1475.00

### Analysis

It is my finding that the landlord has shown that, at this time, there is a total of \$1425.00 rent outstanding, and therefore I allow the landlords claim for that outstanding rent, and the filing fee of \$50.00.

I will not however allow the request for an Order of Possession. The landlords have collected a portion of the June 2011 rent and have thereby re-establish the tenancy, and the Notice to End Tenancy that was given on May 9, 2011 is no longer enforceable.

If the landlords still want to end this tenancy they must serve a new Notice to End Tenancy.

### Conclusion

I have allowed \$1475.00 of the landlords claim, and therefore the landlords may retain the full security deposit of \$675.00, and have issued a monetary order for \$800.00. The request for an Order of Possession is dismissed.

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: June 13, 2011.

---

Residential Tenancy Branch