



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MND, MNR, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. A Monetary order for damage to the unit – Section 67; and
4. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the Landlord entitled to an Order of Possession?

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on December 1, 2001. Rent in the amount of \$1,226.64 is payable in advance on the first day of each month. During the course of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$618.32. The Tenant failed to pay full rent for the month of October 2011 and on October 5, 2011 the Landlord served the Tenant with a notice to end tenancy for non-payment of rent by posting the notice on the door. On November 4, 2011, the Tenant paid the full amount of rent owing for October 2011 plus \$50.00 for reimbursement of the filing fee associated with this application. The Landlord accepted this rent payment and did not

issue a receipt indicating that the rent was accepted for use and occupancy only. The Landlord further accepted a post-dated cheque from the Tenant for November rent.

Analysis

Based on undisputed evidence, I find that the Landlord accepted the outstanding rent from the Tenant as well as the fee associated with this application. By accepting this rent without informing the Tenant that the tenancy was not being reinstated, I find that the tenancy has been reinstated and accordingly, I dismiss the application.

Conclusion

The Landlord's application 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: November 09, 2011.

Residential Tenancy Branch