



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants.

The landlord confirmed that a decision issued on November 25, 2011, (file 783152) resulted in a finding which determined the Notice ending tenancy for unpaid rent, issued on November 2, 2011, was of no force. This is the Notice that was before me today. Therefore, the matter has been previously decided and an order of possession may not be considered.

The landlord confirmed that the tenant has paid all rent due up to November, 2011, inclusive.

The landlord has claimed unpaid December rent, but has now issued another 10 Day Notice ending tenancy and the tenant is still within the 5 day time-frame that would allow him to pay rent. The payment of rent is in dispute, although the parties confirmed their understanding of the finding made on November 25, 2011 (file 783152) that rent effective December 1, 2011, is \$1,000.00 per month, due on the first day of each month.

The claim for unpaid December rent was dismissed with leave to reapply, should the landlord wish to pursue the 10 Day Notice he has issued or the tenant wishes to dispute that Notice. The tenant stated he has paid December rent via cheque; the landlord stated he has not received a cheque. I suggested the tenant consider cancelling any cheque he has issued and make a cash payment to the landlord within the 5 day time frame. The landlord must then issue a receipt for any cash payment.

Conclusion

The Notice ending tenancy issued on November 2, 2011, has been previously cancelled (file 783152.)

The landlord confirmed rent is paid in full to November, 2011, inclusive.

The claim for unpaid December rent in the sum of \$1,000.00 is dismissed with leave to reapply.

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: December 08, 2011.

Residential Tenancy Branch