

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

This is an application filed by the Landlord for an order of possession resulting from a 10 day notice to end tenancy for unpaid rent, a monetary order request for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was served with the notice of hearing documents on December 21, 2011 by registered mail and has submitted a copy of the Canada Post Registered Mail Receipt as confirmation. At this time the Landlord's Agent stated that the Tenant was still in possession of the rental and that the Landlord was seeking a monetary order for rent arrears for the month of September 2011 and not as indicated on the application and 10 day notice to end tenancy for unpaid rent. The Landlord's late evidence of the Tenant's Rent Ledger indicated that the rent for December 2011 and January 2012 was paid by the Tenant in cash without a receipt being issued. The Landlord's Agent confirms that rent was paid for December and January, but stated that a receipt for use and occupancy only was issued.

At this time, I find that the Landlord's application is unclear as to what was being applied for. The December rent indicated as opposed to the Landlord's Agent's direct testimony that September 2011 rent was in arrears. I find that as it is unclear what is being applied for that the Landlord's application for dispute resolution be dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: January 09, 2012.

---

Residential Tenancy Branch