



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR

### Introduction

This hearing was originally set to proceed by way of the Direct Request process, a proceeding in which a decision is made based solely on the written evidence submitted by the landlord. I reviewed the landlord's written evidence and determined that there was insufficient evidence in the documents submitted to allow me to make a determination, so I adjourned the matter to be heard in a participatory hearing on March 21, 2012. Both parties participated in the conference call hearing.

At the hearing I allowed the landlord to amend his claim to include a claim for unpaid rent for the month of February.

### Issues to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The facts are not in dispute. The tenant is obligated to pay \$885.00 each month in advance on the first day of the month. The tenant failed to pay \$785.00 of the rent owing for the month of December 2011 and \$885.00 of the rent owing for the month of February 2012. On January 2, 2012 the tenant was served with a 10-day notice to end tenancy for unpaid rent (the "Notice"). The tenant made a partial payment of the rent owing at that time and entered into a verbal agreement with the owner whereby she would remain in the rental unit and pay the arrears.

### Analysis

I find that because of the verbal agreement reached between the tenant and the owner and because payments have been accepted for months subsequent to the time the Notice was served, the tenancy has been reinstated. I therefore set the Notice aside

and declare it to be of no force or effect. The landlord is free to issue another notice to end tenancy should the tenant continue in arrears.

As the parties agreed that the tenant is currently \$1,670.00 in arrears, I grant the landlord a monetary order under section 67 for that amount. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court. I note that the award is due and payable immediately, although the parties are free to discuss and agree upon a payment plan if they so desire.

### Conclusion

The claim for an order of possession is dismissed. The landlord is granted a monetary order for \$1,670.00.

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: March 23, 2012

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Residential Tenancy Branch