



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 dealt with the landlord's application for an Order of Possession and Monetary Order for unpaid rent. The tenant did not appear at the hearing. The landlord testified that the hearing documents were sent to the tenant at the rental unit via registered mail on May 16, 2012. The landlord verbally provided a registered mail tracking number as proof of service and confirmed that the tenant continues to occupy the rental unit.

I was satisfied the tenant has been sufficiently notified of this hearing and I proceeded to hear from the landlord without the tenant present.

At the commencement of the hearing the landlord stated that after this application was filed the tenant has paid the outstanding rent for May 2012 in full and the parties agreed to reinstate the tenancy. The rent for June 2012 has yet to be paid; however, the landlord has not issued another 10 Day Notice for June's rent.

The landlord requested a Monetary Order to reflect the unpaid rent for June 2012 and authorization to deduct the cost of the filing fee from the security deposit.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order for unpaid rent?

Is the landlord authorized to make a deduction from the security deposit?

Background and Evidence

The tenancy commenced June 1, 2009 and the tenant paid a \$325.00 security deposit. The tenant's current monthly rent is \$660.00 payable on the 1st day of every month. On May 5, 2012 the landlord posted a 10 Day notice to End Tenancy for Unpaid Rent (the Notice) on the rental unit door. The Notice indicates rent of \$660.00 was outstanding as of May 1, 2012 and had a stated effective date of May 15, 2012. On May 15, 2012 the

landlord filed this application. The outstanding rent for May 2012 was paid on May 29, 2012 and the landlord agreed to reinstate the tenancy.

The landlord is expecting to receive rent for June 2012 on June 7 or 8th, 2012; however, in the event it is not paid the landlord requested a Monetary Order. The landlord also requested authorization to recover the filing fee paid for this application by way of a deduction from the security deposit.

Documentary evidence provided for this proceeding included a copy of the tenancy agreement and the 10 Day Notice.

Analysis

Having heard the tenancy was reinstated upon receipt of the outstanding rent for May 2012 and another 10 Day Notice has not been issued for June's rent I do not provide an Order of Possession with this decision. Should rent for June 2012 remain unpaid the landlord is at liberty to issue another 10 Day notice and file another Application for Dispute Resolution seeking an Order of Possession.

Upon review of the tenancy agreement and based upon undisputed testimony presented to me, I am satisfied the tenant owes the landlord \$660.00 in rent for June 2012. I am also satisfied that the landlord sought a Monetary Order for June 2012 in filing the Application for Dispute Resolution and I find no prejudice to the tenant in providing a Monetary Order to the landlord in the amount of \$660.00 to serve and enforce as necessary.

I award the \$50.00 filing fee to the landlord. The landlord is authorized to recover this award by deducting \$50.00 from the tenant's security deposit, as requested.

Conclusion

The tenancy was reinstated after this application was filed and an Order of Possession is not provided with this decision.

The landlord has been provided a Monetary Order in the amount of \$660.00 for June 2012 rent that remains unpaid. The landlord has also been authorized to deduct \$50.00 from the tenant's security deposit in order to recover the filing fee paid for this application.

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 05, 2012.

Residential Tenancy Branch