



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on April 17, the tenant did not participate in the hearing.

Issues(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenant is obligated to pay \$750.00 each month in rent in advance on the first day of each month. The tenant failed to pay \$300.00 of his rent in the month of March and on March 22, the landlord served the tenant with a notice to end tenancy. The tenant paid the arrears in full on March 27. The tenant further failed to pay the full amount of his rent in the month of April and paid no rent whatsoever in the month of May.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent on March 22, 2012. The tenant paid the arrears in full within 5 days. Section 46(4)(a) states that when the arrears on a notice to end tenancy are paid in full within 5 days, the notice has no effect. I find that the tenant cancelled the notice to end tenancy by paying the arrears in full and I dismiss the claim for an order of possession.

As for the monetary order, I find that the tenant has failed to pay \$455.00 of his rent for the month of April and also owes \$750.00 which was due on May 1. I find that the landlord is entitled to recover the unpaid rent as well as the \$50.00 filing fee paid to bring this application. I grant the landlord an order under section 67 for \$1,255.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court. As the tenancy has not yet ended, I have not applied the security deposit to the award.

Conclusion

The claim for an order of possession is dismissed. The landlord is granted a monetary order for \$1,255.00.

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: May 07, 2012

Residential Tenancy Branch