



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNR, MNSD, OPC, OPR

Introduction

There is no evidence whatsoever in the file, however the applicant's did provide some written submissions on the application itself. I have thoroughly reviewed those written submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on November 13, 2012; however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application for an order of possession based on a notice to end tenancy for cause, a request for a monetary order for \$1345.00, and a request for recovery of the filing fee. The applicants are also requesting an order to retain the full security deposit.

Background and Evidence

The applicant's testified that:

- The respondent was served with a one month notice to end tenancy, on or about September 12, 2012 which would've ended the tenancy the end of October 2012.
- The respondent has filed no dispute of the notice to end tenancy, however the respondent has also failed to comply with the notice.
- They have subsequently accepted rent for the months of November 2012 and December 2012, and so at this time there is no rent outstanding.
- They feel the respondent poses a serious risk to the other tenants and therefore there requesting an order of possession.

Analysis

First of all, there is no copy of the notice to end tenancy in the file, and therefore I am unable to determine whether or not the notice was a valid notice to end tenancy.

Secondly, even if the notice was a valid notice to end tenancy, the landlords have now accepted rent for the two months following the date at which the tenancy was to end, and therefore they have reinstated the tenancy and can no longer rely on the September 12, 2012 notice to end this tenancy.

If the landlords still want end this tenancy they must serve a new notice to end tenancy, or apply for an order for an early end to the tenancy.

Conclusion

This application is dismissed in full 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 10, 2012.

Residential Tenancy Branch