



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss 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 and evidence package by Canada Post Registered Mail on December 20, 2012. The Landlord has submitted a copy of the Customer Receipt Tracking No. as confirmation. The Tenant has not submitted any documentary evidence. I am satisfied that both parties have been properly served for this hearing.

At the beginning of the hearing, the Landlord's Agent stated that she has received multiple late rent payments on December 21, 2012 which lowers the monetary claim to \$280.00. This consists of \$260.00 for December rent arrears and \$20.00 for December late rent fee.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

This Tenancy began on November 1, 2012 on a fixed term tenancy for 1 year ending on October 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$920.00 payable on the 1st of each month and a security deposit of \$460.00 was paid on October 30, 2012.

The Landlord states that the Tenants were served with a 10 day notice to end tenancy for unpaid rent on December 2, 2012 by posting it to the rental unit door. The notice

states that rent of \$920.00 was due on December 1, 2012 and was unpaid. The notice states an effective date of December 12, 2012.

The Landlord indicated that multiple late rent payments were made on December 21, 2012 bringing the total arrears to \$280.00 up to and including January 2013. The Landlord states that all of the receipts were issued on December 21, 2012 and that no indication that the rent was received for use and occupancy only.

I find based upon the undisputed testimony of the Landlord's Agent that the Tenancy was reinstated. No notice was given to the Tenant that the rent would be for use and occupancy only was made. The Landlord's request for an order of possession is dismissed.

As for the monetary claim, I find based upon the undisputed testimony of the Landlord that a claim has been established for \$280.00 in unpaid rent and a late rent fee for December. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$330.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$330.00.

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: January 22, 2013

Residential Tenancy Branch

