



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This was a hearing with respect to the landlord's application of an order for possession and a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend

### Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary award and if so, in what amount?

### Background and Evidence

The tenancy began on June 1, 2012 for a one year fixed term and thereafter month to month. Monthly rent is \$2,100.00 payable on the first of each month. The landlord testified that the tenant has often been late paying rent. The tenant did not pay the rent for December when it was due and the landlord served the tenant with a 10 day Notice to End Tenancy for unpaid rent dated December 10, 2012. The rent was still outstanding when the landlord filed her application for dispute resolution on January 4, 2013, but since then the tenant has paid the outstanding rent for December and January. The landlord said that she accepted the payments based on the tenant's promise to henceforth always pay the rent on time.

### Analysis and conclusion

I find that by accepting the rent payments on the basis that she did, the landlord has reinstated the tenancy. Her application for an order for possession and a monetary order is therefore dismissed. The landlord was put to the expense of filing this application and she is entitled to recover the \$50.00 filing fee for this application. She may retain the said sum from the security deposit that she holds. The landlord is at liberty to file another 10 day Notice to End Tenancy or a one month Notice to End Tenancy for repeated late payment of rent if the tenant defaults in any future rent payments.

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 30, 2013

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Residential Tenancy Branch

