



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Fireside Property Group Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent and the recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

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 July 1, 2012 on a fixed term tenancy ending on June 30, 2013 as shown by the submitted copy of the signed Tenancy Agreement. The monthly rent \$720.00 payable on the 1st of each month and a security deposit of \$360.00 was paid on June 30, 2012.

The Landlord seeks an order of possession and a monetary order for unpaid rent. Both parties agreed that the Tenant has made several late rent payments in cash to the Landlord that has resulted in the current rental arrears at \$599.38 as of the date of this hearing. The Landlord's rent ledger shows that the arrears being sought originate prior to the 10 day notice to end tenancy dated February 6, 2013.

I find that the Landlord has failed to provide sufficient details of when the late rent payments were made as the Landlord in accepting late rent payments has re-instated the Tenancy by not providing any notice to the Tenant. The Landlord has confirmed in

their direct testimony that the first notice given to the Tenant was when this application for dispute was filed. The Landlord was unable to provide sufficient details to show that the Tenant did not comply with the notice to end tenancy by providing late rent payments within the allowed time frame. The notice dated February 6, 2013 is set aside and the Tenancy shall continue.

As for the monetary claim, I find based upon the undisputed testimony of the Landlord and the direct testimony of the Tenant who confirms the arrears has established a claim for the \$599.38 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$649.38. 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 \$649.38.

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: March 15, 2013

Residential Tenancy Branch

