



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Prudential Realty  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that on April 27, 2013, the tenant was personally served with the application for dispute resolution and notice of hearing. I accepted the landlord's evidence, found that the tenant had been served with notice of the hearing, and proceeded with the hearing in the absence of the tenant.

During the hearing the landlord stated that on April 17, 2013, the tenant paid the outstanding rent for April. I therefore did not consider the portion of the landlord's application claiming monetary compensation.

### Preliminary Issue – Reinstatement of Tenancy

On April 4, 2013, the landlord served the tenant with a notice to end tenancy for unpaid rent. The landlord stated that the tenant paid the outstanding rent for April on April 17, 2013, and he paid the rent for May on May 1, 2013. The landlord did not issue the tenant any receipts or otherwise indicate to the tenant that they were accepting those payments for use and occupancy only. I therefore find that in accepting the rent on those dates, the landlord reinstated the tenancy. The landlord is therefore not entitled to an order of possession pursuant to the notice to end tenancy for unpaid rent dated April 4, 2013.

I note that if the tenant does not pay rent when it is due, the landlord may seek to end the tenancy on the basis of repeated late payment of rent.

As the landlord's application was not successful, they are not entitled to recovery of the filing fee for the cost of their application.

Conclusion

The application of the landlord is dismissed.

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 23, 2013

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Residential Tenancy Branch