



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

Some documentary evidence and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

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

The applicant testified that the respondent was served with notice of the hearing by personal service on May 10, 2013; 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 nonpayment of rent, a request for a Monetary Order for \$2535.00, and a request to retain the full security deposit towards the claim.

The applicant is also requesting recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- This tenancy began November 1, 2012 with the monthly rent of \$725.00, and a security deposit of \$360.00 had been paid on October 20, 2012.
- The tenant failed to pay the April 2013 rent and therefore on April 19, 2013 the tenant was served with a 10 day Notice to End Tenancy.
- The tenant failed to comply with that notice and therefore on May 3, 2013 the landlord applied for dispute resolution requesting an Order of Possession and a Monetary Order.
- The tenant subsequently paid the full outstanding rent, and a portion of the May 2013 rent, however there is still \$600.00 rent outstanding for the month of May 2013.
- The applicant is therefore requesting an Order of Possession for as soon as possible, and a Monetary Order for the outstanding rent.

Analysis

It's my finding that I am unable to issue an Order of Possession in this case, because although the landlord served the tenant with a Notice to End Tenancy for nonpayment of April 2013 rent, the landlord has now accepted a portion of the rent for the month of May 2013 and therefore the landlord has reinstated the tenancy.

The landlord may therefore no longer rely on the April 19, 2013 Notice to End Tenancy to end this tenancy.

The landlord has however shown that there is still a total of \$600.00 in rent outstanding for the month of May 2013, and therefore I will issue a Monetary Order for recovery of that outstanding rent.

I also allow the request for recovery of the \$50.00 filing fee.

I will make no order regarding the security deposit at this time, because this tenancy is continuing, and the security deposit will remain in place until the tenancy ends.

Conclusion

The application for the Order of Possession is dismissed.

I have issued a Monetary Order in the amount of \$650.00.

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: May 29, 2013

Residential Tenancy Branch

