



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNR, OPR, FF

Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession and a Monetary Order.

Issues to Be Decided

- Is the Notice to End Tenancy (the "Notice") served upon the tenant effective to end this tenancy, and entitle the landlord to an Order of Possession?
- Is there rental money payable to the landlord?

Background and Evidence

This tenancy began August 1, 2010. Rent is currently due on the 1st day of each month in the amount of \$2,100.00, although the landlord has in the past permitted late payments made prior to the 15th of the month. A security deposit of \$1,000 was at the start of the tenancy. The landlord served the tenant with a 10-Day Notice to End Tenancy on September 2, 2013. Since then the tenant made 2 further payments. At present the amount still owing by the tenant to the landlord, including October's rent, past arrears, and the filing fee of this application, is \$3,350.00. The tenant has agreed to pay this sum by October 15, 2013.

Analysis

Given that there remain rental arrears, unpaid beyond the 5 day period set out in the Notice to End tenancy, the landlord has established a right to an Order of Possession, by virtue of section 46(5)(a) of the Residential Tenancy Act. However, the landlord proposes to reinstate the tenancy upon full payment being made as promised, by October 15, 2013. Certainly the landlord has the right to do so, in which case he can opt simply to not serve the Order of Possession upon the tenant.

The landlord is awarded the sum of \$3,350.00.

Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective on the 16th day of October, 2013. Should the tenant be served with this order, but fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

The landlord is entitled to an award of \$3,350.00, representing the rent due and the recovery of the \$50.00 filing fee.

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: October 07, 2013

Residential Tenancy Branch