



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, OPR

Introduction

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 \$832.00, and a request for recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on December 6, 2013; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the applicant entitled to an Order of Possession?

Is the applicant entitled to a Monetary Order for \$832.00?

Background and Evidence

The applicant testified that:

- The tenant has failed to pay the full November 2013 rent and therefore on November 20, 2013 a 10 day Notice to End Tenancy was posted on the tenants door.
- The tenant has failed to comply with that notice and has failed to pay the full outstanding rent for the month of November and at this time there is still a total of \$832.00 outstanding.

- The tenant has subsequently paid the full December 2013 rent and it was accepted as rent.
- They are requesting an Order of Possession, and a Monetary Order for the outstanding rent.
- They also request recovery of the \$50.00 filing fee

Analysis

It's my finding that the applicants are not entitled to an Order of Possession, because the applicants collected rent for the month of December 2013 and thereby re-establish the tenancy. The landlords therefore they no longer end the tenancy with the previously served Notice to End Tenancy.

I will however allow the request for the outstanding rent as it is my finding that the applicants have shown that there is still \$832.00 rent outstanding for the month of November 2013.

I also allow the request for recovery of the filing fee.

Conclusion

The request for an Order of Possession is dismissed.

I've issued a Monetary Order in the amount of \$882.00.

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: January 06, 2014

Residential Tenancy Branch