



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, 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 outstanding rent, and a request to retain the full security deposit towards the claim. The applicant is also requesting recovery of the filing fee.

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

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

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 outstanding rent, and if so for what amount?

Background and Evidence

The applicant testified that:

- This tenancy began on August 1, 2012 with the monthly rent of \$500.00, and a security/pet deposit of \$500.00 was paid at that time.
- The tenant failed to pay the full November 2013 rent, and therefore on November 2, 2013, a 10 day Notice to End Tenancy was served personally to the tenant.
- The tenant has failed to comply with that Notice to End Tenancy, and therefore they are requesting an Order of Possession be issued for as soon as possible.
- The tenant also failed to pay the December 2013 rent, and the January 2014 rent when it was due, however the tenant has subsequently paid the full outstanding rent for the months of November 2013, and December 2013, and paid all but \$220.00 of the January 2014 rent.
- Therefore at this time they are requesting a Monetary Order for the remaining \$220.00, plus their filing fee of \$50.00 for a total of \$270.00.

The respondent testified that:

- He has paid all but \$220.00 of the January 2014 rent, and fully intends to pay that outstanding rent as soon as possible.

Analysis

It is my decision that I will not issue an Order of Possession, because the landlord has accepted rent for December 2013, and has accepted partial rent for January 2014 and in doing so the landlord has re-established the tenancy. The landlord therefore may no longer end this tenancy based on the previous Notice to End Tenancy.

If the landlord still wishes to end this tenancy a new Notice to End Tenancy must be served on the tenants.

I will however issue an Order for the outstanding rent of \$220.00 and for the filing fee of \$50.00 as the tenant has admitted that this amount of rent is still outstanding.

I make no Order regarding the security/pet deposits, as this tenancy is continuing and therefore the security/pet deposits will remain in place.

Conclusion

The request for an Order of Possession is dismissed.

I've issued a Monetary Order in the amount of \$270.00.

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 08, 2014

Residential Tenancy Branch

