



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, OPR, MNR, MNSD

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 \$2400.00, 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 October 27, 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 of \$2400.00?

Is the applicant entitled to recovery of the \$50.00 filing fee?

Background and Evidence

The applicant testified that:

- She is no longer requesting a Monetary Order, as the tenant has paid all the outstanding rent, and has also paid the November 2013 rent on time.

- She is still requesting an Order of Possession however; as she is not sure the tenant will continue to pay the rent on time.
- She is also requesting recovery of her filing fee, because the tenant did not pay the outstanding rent until after she applied for dispute resolution.

Analysis

It's my decision that I will not issue an Order of Possession, as the landlord has collected rent for the month of November 2013, and thereby reinstated the tenancy. The landlord may therefore no longer rely on the previous Notice to End Tenancy to end this tenancy.

I will however allow the request for an order for recovery of the filing fee, because the tenants did not pay the outstanding October 2013 rent until after the landlord had applied for dispute resolution.

Conclusion

I've issued a Monetary Order in the amount of \$50.00 for recovery of the filing fee.

The landlord has withdrawn the request for a Monetary Order for outstanding rent.

The request for an Order of Possession is denied.

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: December 09, 2013

Residential Tenancy Branch

