



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPB, OPC, OPR

Introduction

This is an application for an Order of Possession and a request for a Monetary Order for \$3489.00.

The applicant testified that the respondent(s) were served with notice of the hearing by personal service on October 25, 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

It is my finding that the respondent(s) have been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Does the landlord have the right to an Order of Possession?

Has the landlord established a Monetary Order against the respondent's?

Background and Evidence

The applicant testified that:

- On August 29, 2013 she personally served the tenants with a one-month Notice to End Tenancy.
- The tenants did not file a dispute of that notice, and therefore on August 24, 2013 she applied for dispute resolution.
- The tenant subsequently paid the November 2013 rent in the amount of \$600.00.

- She is not sure of the exact amount, however the tenants still owe her approximately \$3000.00.
- She is requesting an Order of Possession, and a Monetary Order.

Analysis

The landlord has supplied a Notice to End Tenancy that was served on August 29, 2013 and therefore the end of tenancy date would have been September 30, 2013, however the landlord has subsequently collected rent in the amount of \$600.00 for the month of November 2013 and in doing so she has reinstated the tenancy and may no longer rely on the August 29 Notice to End Tenancy to end this tenancy.

I am therefore not willing to issue an Order of Possession, and if the landlord still wishes to end this tenancy she will have to serve the tenants with another Notice to End Tenancy.

It is also my finding that the applicant has supplied insufficient evidence to show how much rent is outstanding at this time. The landlord herself was not even clear on the amount outstanding, stating she believes it's around \$3000.00.

I am therefore unwilling to issue a Monetary Order at this time as well.

Conclusion

The request for an Order of Possession is dismissed without leave to reapply.

The request for a Monetary Order is dismissed with leave to reapply.

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: February 05, 2014

Residential Tenancy Branch

