



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Regent Hotel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC FF

Introduction

This hearing dealt with the landlord's application for an order of possession pursuant to a notice to end tenancy for cause. The landlord's agent and the tenant participated in the teleconference hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord served the tenant with a notice to end tenancy for cause on May 24, 2014. The tenant did not apply to cancel the notice. However, in the hearing the tenant stated that the landlord has accepted her rent, and issued receipts that did not say anything on them. The landlord's agent was unable to provide any information about whether the rent payments were accepted for use and occupancy only.

Analysis

When a landlord issues a notice to end tenancy and subsequently accepts rent from the tenant, if the landlord does not communicate clearly to the tenant that they are accepting the rent for use and occupancy only then the landlord may have reinstated the tenancy.

In this case, I accepted the testimony of the tenant that she believed that the tenancy was continuing because the landlord had accepted her rent.

I therefore find that because the tenancy has been reinstated, the landlord is not entitled to an order of possession.

As the landlord's application was not successful, they are not entitled to recovery of the filing fee for the cost of their application.

Conclusion

The landlord's application is dismissed.

The tenancy continues until such time as it is ended in accordance with the Act.

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: September 15, 2014

Residential Tenancy Branch

