



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding SUSSEX VILLA APT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes cnr, opr, mnr, mndc, ff

Introduction

The tenant requests an order to cancel a Notice to End her tenancy. The landlord requests an Order of Possession and a Monetary Order for unpaid rent.

Issues to Be Decided

- Is a Notice to End Tenancy served upon the tenant September 3, 2014, effective to end this tenancy, and entitle the landlord to an Order of Possession?
- Is there rent money due and payable by the tenant to the landlord?
- Has the tenancy been reinstated?

Background and Evidence

This tenancy began on December 1, 2013. Rent is due on the 1st day of each month in the amount of \$675.00. The tenant received a 10-Day Notice to End Tenancy on September 3, 2014, given for non-payment of all of September's rent. The tenant filed a dispute of that notice, and later paid the rental arrears on September 30, together with the rent for October, which rent was accepted unconditionally by the landlord.

Analysis

The unconditional acceptance of the rent payment for September and October has effectively reinstated the tenancy. The landlord's application for an Order of Possession is dismissed. No rent is owing, but I find under the circumstances, that the tenant must pay the landlord's filing fee of \$50.00, given that at the time of filing, no rental arrears had been paid by the tenant.

Conclusion

The tenancy is reinstated.

The tenant shall pay the sum of \$50.00 to the landlord forthwith, representing the recovery of the landlord's filing fee.

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: October 28, 2014

Residential Tenancy Branch

