



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a monetary order totaling \$1250.00.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on November 20, 2014; 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 and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the landlord establish the right to an Order of Possession?

Has the landlord establish the monetary claim against the respondent, and if so in what amount?

Background and Evidence

The landlord testified that:

- The tenant's July 2014 rent cheque was not honored by the bank, and although she has made many attempts to get the tenant to replace the cheque, the tenant has failed to do so and therefore the full July 2014 rent of \$800.00 is still outstanding.
- Having become frustrated waiting for the tenant to pay the July 2014 rent; she decided to give the tenant a 10 day Notice to End Tenancy which was sent by registered mail on October 6, 2014.
- The tenant failed to comply with that Notice to End Tenancy, and has failed to pay the outstanding rent.
- The tenant has subsequently paid the full November 2014 rent, and December 2014 rent, however the July 2014 rent is still outstanding.
- She is requesting an Order of Possession and a monetary order for the outstanding rent plus her filing fee.

Analysis

It is my finding that the landlord has shown that the rent of \$800.00 is still outstanding for the month of July 2014 and therefore I allow that portion of her claim.

I also allow the landlords claim for recovery of the \$50.00 filing fee.

I will not however allow the request for an Order of Possession, because the Notice to End Tenancy ended the tenancy on October 31, 2014; however the landlord has collected the full rent for the months of November 2014, and December 2014, and therefore has reinstated this tenancy.

Therefore if the landlord still wishes to end this tenancy a new Notice to End Tenancy must be served.

Conclusion

I have issued a Monetary Order in the amount of \$850.00.

The request for an Order of Possession is denied.

I make no order regarding the security deposit, as this tenancy is still ongoing.

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 17, 2014

Residential Tenancy Branch

