



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding British Columbia Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNDC, MNR, OPR

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 \$1968.00, 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 August 31, 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 served properly with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

The applicant had requested an Order of Possession, however at the hearing the applicant stated that they are allowing the tenancy to continue and they have withdrawn the request for an Order of Possession.

The applicant's also stated that they had originally requested a Monetary Order for \$1968.00 in outstanding rent, however the respondent has paid the majority of that outstanding rent, and therefore they are reducing their claim to \$225.00, and recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenant had fallen behind on the rent and therefore on August 9, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant failed to comply with that notice, and therefore on August 28, 2013 they applied for dispute resolution.
- The tenant has subsequently paid the majority of the outstanding rent, and therefore they have decided to allow the tenancy to continue.
- They therefore no longer requesting an Order of Possession, however they would like a Monetary Order for the outstanding rent totaling \$225.00 for the month of October 2013.
- They also request recovery of their \$50.00 filing fee.

Analysis

It's my finding that the landlords have shown that there is a total of \$225.00 in rent outstanding for the month of October 2013 and therefore I allow the request for an order for that outstanding rent and recovery of the filing fee.

Conclusion

I have allowed the landlords full reduced claim of \$275.00 and I've issued a Monetary Order in that amount.

As stated above, the landlords have withdrawn the remainder of their monetary claim and have withdrawn the request for an Order of Possession.

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 07, 2013

Residential Tenancy Branch

