



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, ff

Introduction

This was an application by the landlord for an order for possession. The hearing was conducted by conference call. The landlord and the tenant attended the hearing. The tenant was represented by her legal advocate.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is an apartment in Penticton. The tenancy began on January 1, 2011.

On September 24, 2013 the landlord served the tenant with a one month Notice to End Tenancy for cause by posting it to the door of the rental unit. At the hearing the tenant acknowledged that she received the Notice.

The tenant did not apply to dispute the Notice to End Tenancy , after the Notice was given the landlord accepted rent payments for October and for November and issued receipts for the payments. The receipts simply acknowledged receipt of the payment; they did not state that the pay was accepted: “for use and occupancy only” or any similar comment.

Analysis

I find that the landlord by accepting the rent payments without reservation has effectively reinstated the tenancy and thereby cancelled the Notice to End Tenancy Dated September 24, 2013. At the hearing the tenant’s advocate confirmed that the tenant is seeking other housing and intends to move when she has secured a new suitable place to live.

Conclusion

For the reasons stated the landlord's application for dispute resolution is dismissed. This will not prevent the landlord from serving another Notice to End Tenancy if there are grounds to justify giving it.

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: November 15, 2013

Residential Tenancy Branch

