



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      FF, MNR, MNSD, MNDC, OPR

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on July 19, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This was originally a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, and a request for a monetary order for \$1768.00, however at the hearing the applicant withdrew the monetary portion of the claim.

### Background and Evidence

The tenant was served with a 10 day Notice to End Tenancy for non-payment of rent on July 2, 2010.

The applicant testified that:

- The tenant was served with a 10 day Notice to End Tenancy because at the time he owed \$756.00 of the July 2010 rent.



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- On September 1, 2010 the tenant paid all the outstanding rent for July 2010 and August 2010, and also paid the full September 2010 rent.
- All this money was accepted for use and occupancy only.

The applicants are therefore requesting that an Order of Possession be issued.

## Analysis

Although the tenant has paid the full outstanding rent, he did not pay it within the five day time limit set out under the Residential Tenancy Act, and therefore the Notice to End Tenancy is still a valid notice and, since the rent was accepted for use and occupancy only, the landlords still have the right to an Order of Possession.

## Conclusion

I have issued an Order of Possession to the landlords that is enforceable two days after it's served on the respondent.

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 08, 2010.

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Dispute Resolution Officer