



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order for recovery of the filing fee paid to bring his application. The landlord testified that he personally served the tenants with the application for dispute resolution and notice of hearing, serving the female tenant on July 11 and the male tenant on July 13. I found that the tenants had been properly served with notice of the claim and the hearing proceeded in their absence.

At the outset of the hearing the landlord advised that he had received payment of the rental arrears, rent for August and the filing fee, that those monies had been accepted for use and occupancy only and that he wished to withdraw all claims save the claim for an order of possession.

### Issue to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The landlord's undisputed testimony is as follows. As of June 7, 2011, the tenants were \$2,200.00 in arrears for their rent. On June 7, the landlord posted a 10 day notice to end tenancy on the door of the rental unit. The tenants eventually paid the arrears, but did not complete those payments until July.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenants were served with a notice to end tenancy on June 10, 2011, having been deemed to have received the notice on that day pursuant to section 90(c) of the Act. The tenants did not dispute the notice or pay the arrears within 5 days of receipt and are therefore conclusively presumed to have accepted the end of the tenancy. I find that the landlord is entitled to an order of possession. As the landlord has accepted rent for the month of August for

use and occupancy, I find it appropriate to make the order of possession effective August 31, 2011.

Conclusion

The landlord is granted an order of possession effective August 31, 2011.

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: August 04, 2011

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Residential Tenancy Branch