



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes:** OP, MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. An Order of Possession;
2. A monetary Order;
3. An Order to be allowed to retain the security deposit; and
4. An Order to recover the filing fee paid for this application.

The landlord was unable to provide details as to serving stating that the service was performed by a bailiff. The tenant agreed that she was served with the 10 day Notice to End Tenancy on September 21, 2012 in person and with the Application for Dispute Resolution and notice of this hearing by way of registered mail. Based on the tenant's evidence I accept the tenants have been properly served with the Notice to End Tenancy and the Application for Dispute Resolution hearing package.

Both parties were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

**Issue(s) to be Decided**

Does the landlord have cause to end this tenancy and receive an Order of Possession? Is the landlord entitled to a monetary award? If so, should the landlord be entitled to retain the security deposit? Finally, should the landlord be awarded recovery of the filing fee paid for this application?

**Background and Findings**

The tenant testified that the rental arrears are now paid in full. The landlord agreed that all of the rental arrears have been paid in full including rent due November 1, 2012 although the landlord says he did not receive the payments directly they were deposited into his bank account. The landlord is requesting an Order of Possession effective February 1, 2013 in the event of a breach of an agreement the landlord says the bailiff entered into with the tenants with respect to payment of future rents. The landlord says he is at the mall on his cellular phone and unable to provide further details as to the agreement.

Based on the evidence of the landlord I decline to issue an Order of Possession. The rents are now paid in full and there has been no evidence submitted that the landlord accepted those payments based on use and occupancy. I therefore find that he has reinstated the tenancy and I will not issue an Order of Possession with a future effective date that may be used by him against the tenant without notice.

As there are no monies owing and the landlord has reinstated the tenancy his applications, including his application to recover the filing fee paid for this application, are dismissed.

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 05, 2012.

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Residential Tenancy Branch