



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

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

### **Introduction**

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

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55; and
3. An Order to recover the filing fee pursuant to Section 72.

I accept the landlord's evidence that the tenant was properly served with the Notice to End Tenancy by way of posting the Notice to the rental unit door on January 7, 2013.

Both parties appeared at the hearing of this matter and I therefore find that the tenants' had notice of this claim and this hearing.

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

### **Issue(s) to be Decided**

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

### **Background and Findings**

The tenants agree that their January rent due the first of the month was not paid on the first. The evidence is that the tenants were served with a 10 day Notice to End Tenancy on January 7, 2013 and they did not pay the rent within 5 days of service of that Notice nor make an application pursuant to Section 46 seeking to set aside the Notice to End a Residential Tenancy. In these situations, the *Residential Tenancy Act* provides that the tenants have been deemed to have accepted the end of the tenancy on the date set out in the Notice. Based on the evidence of both parties I find that the landlord is entitled to an Order for Possession.

The landlord testified that the tenants did pay the rental arrears for January on January 29, 2013 and the landlord therefore wishes to withdraw their monetary claims and seeks only an Order of Possession effective February 28, 2012.

### **Conclusion**

The landlord is provided with a formal copy of an Order of Possession. This is a final and binding Order enforceable as any Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. This is a final and binding Order enforceable as any Order of the Provincial Court of British Columbia.

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: February 19, 2013

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Residential Tenancy Branch

