



# Dispute Resolution Services

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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 February 17, 2013.

The landlord gave evidence that he served the Application for Dispute Resolution including the Notice of Hearing and the landlord's evidence by way of posting to the rental unit door on March 29, 2013.

Service by way of posting is an appropriate means of service when an Application seeks only an Order of Possession and recovery of the filing fee. When an Application seeks a monetary award, service must be affected by way of personal service or Canada Post mail. Due to the improper service the claim with respect to the monetary award is dismissed with leave to reapply and this hearing proceeded with respect to the Order of Possession and recovery of the filing fee alone.

The tenant did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

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 recovery of the filing fee.

**Background and Findings**

**Order of Possession**

Based on the undisputed evidence of the landlord I find that the landlord is entitled to an Order for Possession. There is outstanding rent. The tenant has not made application pursuant to Section 46 to set aside the Notice to End a Residential Tenancy and the time to do so has expired. In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice.

***Filing Fees***

As the landlord has been successful in this application I find that the landlord is entitled to recover the filing fees paid for this application. The landlord may deduct \$50.00 from the tenant's security deposit to realize this sum.

**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.

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: April 24, 2013

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Residential Tenancy Branch