



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: MNR, MNSD, MNDC, OPR, FF

### Introduction:

This was an application by the landlord for an Order for Possession, a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim. Only the landlord attended the application.

### Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

### Background and Evidence:

The landlord's agent KT testified that the one year fixed term tenancy began October 1, 2014 with rent in the amount of \$ 675.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 375.00 on September 26, 2014. The landlord's agent testified that she served the Notice to End the tenancy on March 6, 2015 by posting it to the tenant's door and the dispute resolution package sending it to the tenant on March 20, 2015 by registered mail. The landlord's agent testified that the tenant paid all the arrears by April 24, 2015 and that the landlord issued receipts "for use and occupancy" with each payment. The landlord requested an Order for Possession and a monetary Order for the filing fee of \$ 50.00.

### Analysis:

Based on the evidence of the landlord I find that the tenant was deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on March 9, 2015. I find that the application for Dispute Resolution was also deemed to have been served on March 25, 2015 by registered mail. The tenant has paid all the outstanding rent but not on time and has not applied for arbitration to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order for possession effective two days after it is served. I allow the landlord to recover the filing fee of \$ 50.00.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I grant the landlord an order under section 67 for the amount of **\$ 50.00** representing the filing fee. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible. I have dismissed all other monetary claims made by the landlord

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 27, 2015

---

Residential Tenancy Branch

