



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, MNSD & FF

### Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$700 for unpaid rent
- c. An Order to retain the security deposit.
- d. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on March 18, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the tenant by mailing, by registered mail to where the tenant resides on April 4, 2016. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on April 15, 2015. The rent is \$1400 per month payable on the first day of each month. The tenant paid a security deposit of \$700 at the start of the tenancy. At the time the Notice to End Tenancy was served the tenant owed outstanding rent in the

sum of \$700. The tenant paid the arrears on May 5, 2016. The tenant(s) continues to reside in the rental unit.

Analysis - Order of Possession:

If the tenant pays the arrears within 5 days after being served with a 10 day Notice to End Tenancy for non payment of rent the Notice is void. However, where the tenant pays the arrears after the 5 day period the landlord has an election to make. He/she can accept the payment "for use and occupation only" in which case the tenant has to vacate at the end of the rental payment period. Alternatively, he/she can accept the payment unconditionally and thereby reinstate the tenancy.

In this case the landlord has elected to reinstate the tenancy. As a result I ordered that the application for an Order for Possession be dismissed. The tenancy shall continue with the rights and obligations of the parties remaining unchanged.

Analysis - Monetary Order and Cost of Filing fee:

As there are no arrears I dismissed the application for a monetary order and the cost of the filing fee.

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: May 05, 2016

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Residential Tenancy Branch