



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR, MNSD, O, FF

### Introduction

This was a hearing with respect to the landlord's application for an order of possession and a monetary order. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend although he was personally served with the application and Notice of Hearing on June 1, 2016.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary award and if so, in what amount?

### Background and Evidence

The rental unit is a basement suite in the landlord's house in Richmond. The tenancy began on March 1, 2016 for a three month fixed term ending May 31, 2016. The tenancy agreement required the tenant to move out at the end of the fixed term. The monthly rent was \$480.00, payable on the first of each month and the tenant paid a security deposit of \$240.00 on February 29, 2016.

The tenant did not move out at the end of the fixed term and on June 1, 2016 the landlord filed this application to claim an order of possession and a monetary order for unpaid rent. The landlord testified that, as of the date of the hearing, the tenant is still living in the rental unit. The tenant paid rent for June in the amount of \$480.00. The landlord accepted the payment, but he gave the tenant a receipt accepting the payment: "for use and occupancy only".

Analysis

The fixed term tenancy ended May 31, 2016 and the tenant was required to move out on that day. He has not moved out of the rental unit. The landlord accepted a rent payment "for use and occupancy only". The acceptance of this payment does not create a new tenancy. I find that the landlord is entitled to an order of possession effective June 30, 2016. This order may be filed in the Supreme Court and enforced as an order of that court. The landlord is entitled to recover the \$100.00 filing fee for this application and he may retain the sum of \$100.00 from the security deposit that he holds, leaving the sum of \$140.00 as a security deposit to be dealt in accordance with the *Residential Tenancy Act* after the tenant moves out of the rental unit on or before June 30, 2016.

Conclusion

The landlord has been granted an order of possession effective June 30, 2016. He has been awarded the \$100.00 filing fee for this application.

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: June 16, 2016

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Residential Tenancy Branch