



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and recovery of the filing fee for the cost of the application.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on November 15, 2006. Rent in the amount of \$675 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of August 2008 and on August 5, 2008 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The landlord and the tenant made a verbal agreement that if the tenant paid the outstanding amount by August 29, 2008, the notice to end tenancy would be cancelled. The evidence of the landlord is that the tenant did not pay the outstanding amount for August until September 3, 2008. The evidence of the tenant is that the building manager was on holidays, so August 29, 2008 the tenant attended at the door of the person who was receiving rent and he attempted to pay the outstanding amount but nobody answered and he was unable to pay until September 3, 2008. The tenant states that he attempted to call the landlord but the landlord denies any record of such an attempted phone call.

Analysis

In considering all of the evidence, I find that the tenant did not take all reasonable steps to pay the outstanding amount or inform the landlord of his inability to do so by the agreed upon date, and therefore the notice to end tenancy is valid. The landlord is entitled to an order of possession.

Conclusion

I grant the landlord an order of possession effective two days from service on the tenant. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is also entitled to recovery of the \$50 filing fee.

Dated September 26, 2008.