



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: OPC, CNC, & FF

Introduction:

This hearing dealt with cross applications by the parties. The landlord is seeking an Order of Possession based on a one month Notice to End Tenancy for cause due to repeated late payment of rent. The tenant filed to dispute the one month Notice to End Tenancy.

Although the tenant filed an application to dispute the one month Notice to End Tenancy and was served with notice of the landlord's application, to be heard on the same date, he did not appear for the hearing. I proceeded with the hearing in the tenant's absence.

Issue to be Determined:

Is the landlord entitled to an Order of Possession pursuant to the one month Notice to End Tenancy served upon the tenant for cause?

Background and Evidence:

This tenancy began on June 1, 2006 for the monthly rent of \$610.00 and a security deposit of \$297.50. The current rent for the unit is \$632.00 a month.

On December 2, 2008 the landlord served the tenant with a one month Notice to End Tenancy for cause pursuant to section 47 of the *Act*. The landlord provided evidence showing that the tenant has been late paying his rent 7 times in 2008. The landlord stated that the tenant has not currently paid the rent owed for January 2009.

Analysis:

I grant the landlord's application. I accept that the tenant was served with a one month Notice to End Tenancy due to repeated late payment of rent. I accept the evidence submitted by the landlord showing that the tenant has been consecutively late paying rent multiple times in 2008.

I grant the landlord an Order of Possession effective **January 31, 2009 at 1:00 p.m.** This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion:

The tenant's application is dismissed without leave to re-apply for failing to appear. I have granted the landlord's application and granted the landlord an Order of Possession. Having granted the landlord's hearing I Order that the landlord may recover the \$50.00 filing fee paid for his application from the tenant's security deposit plus interest.

Dated January 27, 2009.

Dispute Resolution Officer