

DECISION

Dispute Codes OPC, FF

Introduction

This is the Landlords application to end the tenancy for cause, to obtain an order of possession and to recover the filing fee from the Tenant for this application. Both parties appeared by conference call and gave affirmed testimony.

Issues(s) to be Decided

Does the Landlord have cause for ending the tenancy?

Background and Evidence

This is a Tenancy which began on July 1, 2000 on a month to month basis of \$880.00 rent, payable on or before the 1st of each month. A security deposit of \$440.00 was paid on May 19, 2000 the day the tenancy agreement was signed. The notice to end tenancy for cause was posted on the door on August 3, 2010. According to the Landlord the hearing package was also posted to the door on August 3, 2010 along with the notice to end tenancy. The Tenant does not dispute this, but comments that pages were missing from the package. I note that the evidence package received by the Residential Tenancy Branch is also missing the copy of the registered mail receipt that the Landlord is referring to regarding another evidence package submitted to the Residential Tenancy Branch. The Landlord has provided evidence in the form of a resident ledger detail report showing all of the Tenant's rent payments and when from 2000-2010. This ledger shows repeated late payments from 2000-2010. The Tenant also confirms this, but argues that the incident numbers are lower in their evidence by referring to 7-10 notices to end tenancy and more late rental payments from 2000-2010. The Tenant cites that the Landlord has established an accepted practice or history of receiving late rent payments, thus accepting the conduct of the Tenant. The Landlord

contends that this is not an accepted practice, but that on numerous occasions late rent payments have resulted in more than one 10 day notices to end tenancy.

Analysis

I take note of the missing pages referred to by the Landlord and Tenant, but place no weight on them as both parties have had an opportunity to comment on such and nothing of substance has resulted. Based upon the Landlord's resident ledger detail report and the Tenant's own admissions, I find that the Landlord has shown cause to end the tenancy through the evidence of repeated late rent payments. I don't agree with the Tenants assertion that the Landlord has accepted a standard of conduct. The Landlord has on more than one occasion followed up with 10 day notices to end tenancy. I grant the Landlord's application for an order of possession. 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.

As the Landlord has been successful in their claim, I find that the Landlord is entitled to recovery of the \$50.00 filing fee. I grant a monetary order under section 67 for the \$50.00 filing fee. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$50.00.

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*.