

DECISION

Dispute Codes FF, OPC

Introduction

Having heard all the testimony of the applicant, under affirmation, and in the absence of any submissions from the respondent, although having been notified of the right to make such submissions I have determined:

Issues(s) to be Decided

This is a request for an Order of Possession based on a one month Notice to End Tenancy for cause, and the applicant is also requesting the respondents bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

Background and Evidence

The applicant testified that:

- The tenants were served with a one month Notice to End Tenancy for cause, on September 9, 2010 and have filed no disputed that notice.
- That Notice to End Tenancy was given for repeatedly rent, because the rent has been late every month since the beginning of the tenancy in June of 2010.
- That notice ends the tenancy on October 31, 2010 however, to ensure the tenants do vacate, they are requesting an Order of Possession be issued.

Analysis

The landlords have served a valid Notice to End Tenancy for repeated late rent payments and since the tenants have filed no disputed that notice the tenants are conclusively deemed to have accepted the end of the tenancy.

I therefore will issue an Order of Possession however since the end of tenancy date is not yet here and since the tenant may well have a moved without an order, I will not allow the request for the filing fee.

Conclusion

I have issued an Order of Possession for 1:00 p.m. on October the 31st 2010.

The request for an order for the tenant to pay the filing fee is dismissed without leave to reapply.

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: October 26, 2010.

Dispute Resolution Officer