



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord only. The tenant's did not attend.

The landlord testified that he served the notice of hearing documents to the tenants personally. I accept the tenants have been served sufficiently for the purposes of this hearing.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession cause, pursuant to Sections 47 and 55 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord provided a copy of a tenancy agreement signed by the parties on October 1, 2009 for a month to month tenancy beginning on October 1, 2009 for a monthly rent of \$1,100.00 + 2/3 utilities due on the 1st of each month, with a security deposit of \$550.00 paid.

The landlord also provided a copies of two 1 Month Notice to End Tenancy for Cause dated October 20, 2010 with an effective vacancy date of November 30, 2010 citing the tenant is repeatedly late paying rent.

The landlord served the 1 Month Notice to End Tenancy for Cause via registered mail on October 20, 2010. The landlord has submitted receipts and tracking numbers to confirm this service.

Analysis

Section 47 of the Act allows a landlord to end a tenancy if, among other things, the tenant is repeatedly late paying rent.

The 1 Month Notice to End Tenancy for Cause itself states that a tenant has 10 days to make an Application for Dispute Resolution to dispute the notice. As the tenant failed to make an Application to dispute the 1 month notice within 10 days of receipt of the notice, I find that in accordance with Section 47(5) the tenants are conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by the effective date.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

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: November 30, 2010.

Dispute Resolution Officer