

Decision

Dispute Codes: OPC

Introduction

This hearing dealt with the landlord's application for an order of possession. The landlord participated in the hearing and gave affirmed testimony.

Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenants did not appear. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mail.

Issue to be decided

- Whether the landlord is entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on May 1, 2009. While at the outset of tenancy monthly rent was \$750.00, it was later reduced to \$722.00. A security deposit of \$375.00 was collected at the start of tenancy.

The landlord testified that on numerous occasions during the past 12 months, when rent was not paid when due on the first day of the month he issued 10 day notices to end tenancy for unpaid rent. Thereafter, overdue rent was paid.

Ultimately, the landlord issued a 1 month notice to end tenancy for cause dated October 12, 2010. The notice was served in person on the tenants on October 18, 2010. A copy of the notice was submitted into evidence. The reason shown on the notice for its issuance is as follows:

Tenant is repeatedly late paying rent

Presently, the landlord stated that December's rent has still not been paid, and the tenants continue to reside in the unit. It is pursuant to the 1 month notice, as above, that the landlord seeks to obtain an order of possession.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served in person on October 18, 2010 with a 1 month notice to end tenancy for cause. Subsequently, the tenants did not dispute the notice by filing an application for dispute resolution within the 10 day period available for doing same. Accordingly, pursuant to section 47(5) of the Act I find that the landlord is entitled to an order of possession.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants 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.

DATE: December 16, 2010

Dispute Resolution Officer