

Decision

Dispute Codes: OPC, FF

Introduction

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

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

Issues to be decided

- Whether the landlord is entitled to either or both of the above under the Act

Background and Evidence

There is no copy of a written tenancy agreement in evidence for this tenancy which began more than 10 years ago. Currently, monthly rent is \$1,600.00.

The landlord testified that payment of rent has been late on more than half a dozen occasions since January 1, 2010. Arising from this, the landlord has issued a number of 10 day notices to end tenancy for unpaid rent.

Ultimately, the landlord issued a 1 month notice to end tenancy for cause dated November 16, 2010. The notice was served on the tenants by way of registered mail, and evidence includes the Canada Post tracking numbers for the registered mail. 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

It is pursuant to the 1 month notice, as above, that the landlord seeks an order of possession for cause.

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's agent, I find that the tenants were served by way of registered mail with a 1 month notice to end tenancy for cause dated November 16, 2010. Thereafter, the tenants did not dispute the notice by filing an application for dispute resolution within the 10 day period available for doing same. The tenants are therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice, which is December 31, 2010. Accordingly, I find that the landlord is entitled to an order of possession.

As the landlord has succeeded in this application, I find that the landlord has established entitlement to recovery of the \$50.00 filing fee.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Friday, December 31, 2010.** 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.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$50.00. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: December 16, 2010

Dispute Resolution Officer