

DECISION

Dispute Codes OPR, OPB, MNR, MNSD, FF

Introduction

This is an application filed by the Landlord for an order of possession for unpaid rent for breach of an agreement with the Landlord and a monetary order request for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend.

The Landlord clarified at the beginning of the hearing that the notice was for cause and not for a breach of an agreement or unpaid rent. The Landlord states that the Tenant is repeatedly late paying rent. The Landlord states that all rent arrears were paid by the Tenant on September 29, 2011, but that the Landlord issued a receipt for use and occupancy only and is requesting an order of possession and recovery of the filing fee.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord states that the Tenants were served with the 1 month notice to end tenancy for cause on September 6, 2011. The notice shows a move-out date October 31, 2011 and the reason given is the "Tenant is repeatedly late paying rent." The Landlord has provided a Tenant Ledger displaying entries from January 2011 to September 2011 with 7 late rent payments.

The Landlord states that the Tenants were both served by registered mail on September 23, 2011 and has provided copies of the Canada Post Registered Mail Receipts. I find that the Tenant was properly served with the notice of hearing documents on September 23, 2011 by registered mail.

Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was served with a notice to end tenancy for cause. The Landlord has provided a Tenant ledger

displaying 7 late rent payments within the last 9 months. The Tenant did not file for dispute resolution within 10 days of receiving the notice and is therefore conclusively presumed to accept that the tenancy ends on the effective date of October 31, 2011. Based on the above facts I find that the Landlord is entitled to an 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.

The Landlord is entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order under section 67 for \$50.00. 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.
The Landlord is granted 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*.

Dated: October 24, 2011.

Residential Tenancy Branch