



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy and for the recovery of the filing fee.

The notice of hearing was served on the tenant in person at the rental unit by the landlord. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The landlord testified that he purchased the property in February 2011, and the tenant was already residing in the rental unit. The monthly rent is \$750.00 payable on the first of each month.

The landlord testified that the tenant was repeatedly late paying rent and therefore on September 08, 2011, the landlord served the tenant, in person, with a notice to end tenancy for cause. The reason for the notice is the repeatedly late payment of rent. The tenant did not dispute the notice and has paid rent for November. The landlord has applied for an order of possession effective on or before 1:00 pm on November 30, 2011.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on September 08, 2011 and did make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective on or before 1:00 pm on November 30, 2011. . The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 p.m. on November 30, 2011.**

The landlord may retain **\$50.00** from the security deposit towards the recovery of the filing fee.

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 09, 2011.

Residential Tenancy Branch