

DECISION

Dispute Codes OPC, O

Introduction

This is an application filed by the Landlord for an order of possession after having issued a 1 month notice to end tenancy for cause. The Landlord has specified that the Tenant is repeatedly late paying rent.

Both parties attended the hearing by conference call and gave testimony. The Landlord has submitted evidence in support of the application and the Tenant has acknowledged receipt of the Landlord's notice of hearing and evidence package. The Tenant has not submitted any evidence. As both parties have attended the hearing and the Tenant has acknowledged receiving the Landlord's notice of hearing and evidence package, I find that each party has been properly served under the Act.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

This Tenancy began on April 1, 2011 on a fixed term tenancy until March 31, 2012 as shown in the submitted signed copy of the tenancy agreement. The monthly rent is \$1,200.00 payable on the 1st of each month and a security deposit of \$600.00 was paid on March 28, 2011.

The Landlord states that the Tenant has been repeatedly late paying rent 5 times between July 2011 and December 2011. Rent cheques were returned either NSF or for Stop payment. The Tenant was given written notice on October 3, 2011 that further late payments could result in an eviction. The Landlord served the Tenant with a 1 month notice to end tenancy on December 13, 2011. The Landlord has submitted copies of the 1 month notice to end tenancy, the residential tenancy agreement, a resident ledger, a letter dated December 8, 2011 with notice of a 10 day notice to end tenancy for unpaid rent being served, copies of 10 day notices to end tenancy for unpaid rent dated October 3, 2011, November 18, 2011 and December 8, 2011 as well as a letter dated October 3, 2011 warning of a possible notice to end tenancy for cause if rent was late again. The Tenant has not made an application or filed any evidence.

Analysis

Residential Tenancy Branch Policy Guideline #38 states, "Three late payments are the minimum number sufficient to justify a notice under these provisions."

I accept the undisputed testimony of the Landlord and find that the Tenant is repeatedly late paying rent. Based upon the above facts, the Landlord is entitled to an order of possession. The Tenant must be served with the 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.

Conclusion

The Landlord is granted an order of possession.

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: February 01, 2012.

Residential Tenancy Branch