



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with an application by the landlord for an order of possession. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by having a witness present when she personally served the tenant on February 8, 2012. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on or about October 1, 2010. Rent in the amount of \$850.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$425.00.

The landlord gave the following testimony; the tenant has been late in paying rent almost every month since he moved in, served the tenant personally with a witness present a One Month Notice to End Tenancy for Cause on December 31, 2011 for late rental payments and is seeking an order of possession.

Analysis

I accept the landlord's undisputed testimony. The landlord has provided documentary evidence that supports their claim. In the past five months the landlord has issued consecutive Ten Day Notice to End Tenancy for Unpaid Rent and Utilities. The tenant has not paid any rent for January and still has an outstanding amount for December. The landlord advised she will be pursuing a monetary order at a later date. I find that the tenant was served with a Notice to end tenancy and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that 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.

The One Month Notice to End Tenancy for Cause dated December 31, 2011 has full effect and force.

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: March 01, 2012.

Residential Tenancy Branch