

Decision

Dispute Codes:

OPC, MNR, MND, MNSD, O, FF

Introduction

This hearing dealt with an application submitted by the landlord seeking an Order of Possession based on a Ten Day Notice to End Tenancy for Unpaid Rent dated May 9, 2012 and One-Month Notice to End Tenancy for Cause dated April 6, 2012, and purporting to be effective April 15, 2011. Both parties appeared.

Issue(s) to be Decided

The issues to be determined on the landlord's application based on the testimony and the evidence is whether the landlord is entitled to an Order of Possession based on either the Ten Day Notice to End Tenancy for Unpaid Rent of the One-Month Notice to End Tenancy for Cause.

The burden of proof is on the landlord.

Background and Evidence

The tenancy had originally started in February 2010 with rent of \$1,000.00 and no security deposit was paid.

The landlord testified that the tenant had been repeatedly late with rent and that is why the One Month Notice was issued. The landlord testified that she issued the tenant with a Ten Day Notice to End Tenancy for Unpaid Rent when the tenant failed to pay the remaining \$600.00 for rent in May 2012. The tenant did not file an application to dispute either Notice and acknowledged that she did not pay all of the rent for May 2012 and was in arrears for \$600.00.

Analysis

Under section 47 of the Act, a landlord may terminate the agreement by giving a One-Month Notice to End Tenancy for Cause for repeated late payment of rent.

Based on the testimony of the landlord, I find that the tenant was also served with a Ten-Day Notice to End Tenancy for Unpaid Rent in person on May 9, 2012. The tenant has not paid the arrears and did not apply to dispute the Notice and is therefore conclusively presumed under section 46(5) of the Act 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.

I find that the landlord has established a total monetary claim of \$650.00 comprised of 600.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Supreme Court and enforced as an order of that Court.

I hereby grant the Landlord an order under section 67 for \$650.00. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

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: May 30, 2012.

Residential Tenancy Branch