

DECISION

Dispute Codes OPC, FF

Introduction

This is an application filed by the Landlord for an order of possession as a result of a 1 month notice to end tenancy issued for cause and the recovery of the filing fee.

Both parties have attended the hearing by conference call and have given testimony. The Tenant has not submitted any documentary evidence. As both parties have attended the hearing and have acknowledged receiving the evidence submitted, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background, Evidence and Analysis

Both parties agree that a \$487.50 security deposit was paid and is currently held by the Landlord and that this Tenancy began in February 2012.

The Landlord states that the Tenant was served with the 1 month notice to end tenancy for cause. The notice dated June 7, 2012 shows an effective date of July 31, 2012. The reasons for cause stated are:

Tenant is repeatedly late paying rent.

Tenant or a person permitted on the property by the Tenant has

- seriously jeopardized the health or safety or lawful right of another occupant or the landlord.

- put the landlord's property at significant risk.

The Landlord states that the Tenant has been repeatedly late paying rent. He states that rent was late in March 2012, May 2012, June 2012 and July 2012. The Tenant stated in her direct testimony that, "I was late for those times." The Tenant later goes on stating that she was only late for June and July of 2012. The Landlord states as an example that the Tenant was late in March 2012 because outstanding rent of \$200.00

was paid late by a company. The Tenant confirmed in her direct testimony that the rent was late for March and that it was paid for by a company.

Based upon a balance of probabilities and the direct testimony of the Tenant, I find that the Landlord has established that the Tenant was repeatedly late paying rent for March, May, June and July of 2012. The Landlord is entitled to an order of possession. The Landlord is granted an order of possession to be effective on the date of the notice of July 31, 2012 at or before 1:00 pm. This order must be served on the Tenant. 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 also entitled to recovery of the \$50.00 filing fee. I order that the Landlord may retain \$50.00 from the \$487.50 security deposit currently held by the Landlord.

As I am satisfied that the Landlord is entitled to an order of possession, the remaining reasons for cause were not considered as part of this decision.

Conclusion

The Landlord is granted an order of possession for July 31, 2012 at or before 1:00pm. The Landlord may retain \$50.00 from the security deposit.

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: July 27, 2012.

Residential Tenancy Branch