



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This was a hearing with respect to the landlord's application for an order for possession. The hearing was conducted by conference call. The landlord and the tenants called in and participated in the hearing.

Issue(s) to be Decided

Is the landlord entitled to an order for possession pursuant to a one month Notice to End Tenancy for repeated late payment of rent?

Background and Evidence

The rental unit is a mobile home owned by the landlord and located on her property. There is no written tenancy agreement. The tenancy began in mid-2007. Monthly rent is \$750.00 plus utilities. During the tenancy the tenant has performed work for the landlord and her earnings have been applied to pay the rent. The tenants have not been able to perform sufficient work to pay all the rent and the rent has been in arrears since June 2011. No rent was paid for November or December 2012 and a partial payment was made in January.

On December 11, 2012 the landlord personally served the tenants with a one month Notice to End Tenancy for repeated late payment of rent. The Notice stated that the tenants must vacate the rental unit by February 20, 2012. The tenants did not apply to dispute the Notice to End Tenancy .

Analysis and conclusion

The tenants do not dispute the landlord's testimony with respect to unpaid rent. The tenants have had health problems and have been unable to work. They testified that they plan to move by the end of the month.

Because the tenants have not disputed the Notice to End Tenancy, they are conclusively presumed to have accepted that the tenancy will end on the effective day of the Notice. The *Residential Tenancy Act* requires that a one month Notice to End Tenancy specify an end of tenancy day that is the last day of the month, before the day that rent is due under the tenancy agreement. The Notice to End Tenancy given by the landlord may not take effect before February 28, 2013 and I grant the landlord an order for possession effective that day. This order may be registered in the Supreme Court 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: February 20, 2013

Residential Tenancy Branch

