



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 the landlord's application pursuant to section 55 of the *Residential Tenancy Act* (the *Act*) for an Order of Possession for cause. The tenant did not attend this hearing, although I waited until 1:40 p.m. in order to enable her to connect with this teleconference hearing scheduled for 1:30 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that he handed the tenant a 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) on February 4, 2013, accompanied by a witness. The landlord sent the tenant a copy of the dispute resolution hearing package by registered mail on March 9, 2013. The landlord provided a copy of the Canada Post Tracking Number and Customer Receipt to confirm this registered mailing. The landlord testified that Canada Post's On-line Tracking System revealed that the tenant signed for the hearing package on March 15, 2013. I am satisfied that the landlord served the above documents to the tenant in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for cause?

Background and Evidence

This periodic tenancy commenced on April 15, 2012. Monthly rent was set at \$750.00, payable in advance by the first of each month. The tenant is also responsible for ½ of the monthly utilities. The landlord continues to hold the tenant's \$375.00 security deposit.

The landlord and his wife testified that the tenant's rent was being paid by B.C. Employment and Assistance until December 2012. Since then the landlord and his wife testified that they have received no further payments towards this tenancy. They issued the 1 Month Notice due to repeated late payment of rent, which has occurred from December 2012 until the present.

Analysis

Based on the landlord's undisputed evidence, I am satisfied that the landlord had sufficient grounds to issue the 1 Month Notice and obtain an end to this tenancy for cause. The tenant has not made application pursuant to section 47(4) of the *Act* within ten days of receiving the 1 Month Notice. In accordance with section 47(5) of the *Act*, the tenant's failure to take this action within ten days led to the end of her tenancy on the corrected effective date of the notice. In this case, this required the tenant to vacate the premises by March 31, 2013. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: April 04, 2013

Residential Tenancy Branch