



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ALDER PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an Order of Possession pursuant to Sections 47, and 55 as the tenant is repeatedly late in paying rent.;

SERVICE:

The tenant did not attend. The landlord testified that the tenant was served with the Notice to end Tenancy dated April 24 by putting it in his door mail box and with the Application for Dispute Resolution by registered mail. It was verified online as successfully delivered. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated April 24, 2013 for persistent late payment of rent. Is the landlord now entitled to an Order of Possession and to recover the filing fee?

Background and Evidence:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The evidence is that the tenancy commenced in January 2012, a security deposit of \$450 was paid and rent is currently \$900 a month. Enclosed as evidence are 10 Notices to End Tenancy which have been served on the tenant over the past year as he is persistently late in paying his rent. The landlord said they had tried to work with him and he had a guaranteed income but he had significant difficulty in paying his rent on time. The landlord is not claiming the rental arrears but requests an amendment to the application to recover the filing fee. The tenant filed no documents in dispute.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Order of Possession

I find that the landlord is entitled to an Order of Possession. I find sufficient evidence that the tenant is persistently late in paying his rent. Furthermore, the Tenant has not made application pursuant to Section 47 to set aside the Notice to End a Residential Tenancy and the time to do so has expired. In these situations, the Residential Tenancy Act provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. The tenancy was at an end on May 31, 2013. An Order of Possession is issued effective two days from service.

The amendment to the application to recover the filing fee is granted.

Conclusion:

I find the landlord is entitled to an Order of Possession effective two days from service.

I find the landlord is entitled to recover filing fees paid for this application. **I HEREBY ORDER that the landlord may deduct \$50 from the tenant's security deposit to recover the filing fee. This will leave a balance of \$400 as 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: June 13, 2013

Residential Tenancy Branch

