



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Possibilities Association of BC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for cause. The landlord withdraws their application to recover the filing fee from the tenant for the cost of this application.

The tenant and landlord's agents attended the conference call hearing and gave sworn testimony. The landlord provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. The tenant confirmed receipt of evidence. All evidence and testimony of the parties has been reviewed and are considered in this decision.

Issue(s) to be Decided

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

Background and Evidence

The parties agree that this month to month tenancy started on February 15, 2011. The tenant pays a subsidized rent of \$609.00 per month and rent is due on the 1st day of each month.

The landlord testifies that the tenant has been repeatedly late paying rent. Rent was late six times in 2012 and six times in 2013. The tenant was given various letters and 10 Day Notices to End Tenancy concerning these late payments and was notified that the tenant was seriously jeopardizing his tenancy by continuing to pay rent late. On November 07, 2013 the landlord served the tenant with a One Month Notice by registered mail. The reason given on the Notice is that the tenant has been repeatedly late paying rent. This Notice informed the tenant that he had 10 days to dispute the Notice or the tenancy would end on December 13, 2013. The landlord seeks an Order of Possession effective as soon as possible.

The tenant does not dispute that he has been late many times with rent. The tenant understands that he has not filed an application to dispute the Notice.

Analysis

When a tenant is served with a One Month Notice to End Tenancy the tenant is provided with information on page two of that Notice about how the tenant can dispute the Notice by filing an application for Dispute Resolution. The landlord has provided a copy of this Notice served upon the tenant on November 07, 2013. The tenant has not disputed the One Month Notice within the 10 allowable days as indicated on page two of the Notice.

Consequently, as the tenant did not file an application to dispute the Notice the tenant is presumed to have accepted the end of the tenancy pursuant to s. 47 (5) of the *Act*. The landlord is therefore entitled to an Order of Possession pursuant to s. 55 of the *Act*.

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 may be filed in the Supreme Court and enforced as an Order of that Court.

Dated: January 29, 2014

Residential Tenancy Branch

