



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPC, OPB

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession, pursuant to a notice to end tenancy for cause.

The notice of hearing was served on the tenant on April 25, 2014 by registered mail. The landlord filed a copy of the tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to an order of possession?

### **Background and Evidence**

The landlord testified that the tenancy started in September 2013. The monthly rent is \$4,000.00 payable on the first of each month.

The landlord testified that the tenant was repeatedly late paying rent. The landlord served the tenant with three 10 day notices to end tenancy for nonpayment of rent, on November 27, 2013, December 22, 2013 and January 16, 2014. On March 25, 2014, the landlord served the tenant with a notice to end tenancy for cause with an effective end date of May 01, 2014. Just prior to this hearing, on June 02, 2014, the landlord served the tenant with a fourth 10 day notice to end tenancy for nonpayment of rent.

The tenant did not dispute the notice to end tenancy for cause and continues to occupy the rental unit. The landlord has applied for an order of possession effective June 30, 2014.

### **Analysis**

Based on the undisputed sworn testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on March 25, 2014 and did not make 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. Pursuant to section 55(2) I am issuing a formal order of possession effective on or before 1:00 pm on June 30, 2014. The Order may be filed in the Supreme Court for enforcement.

### **Conclusion**

I grant the landlord an order of possession effective on or before 1:00 pm on June 30, 2014.

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 12, 2014

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Residential Tenancy Branch

