



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            OPC, OPR & FF

### Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the one month Notice to End Tenancy was sufficiently served on the Tenant by mailing, by registered mail to where the tenant resides on December 12, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing, by registered mail to where the tenant resides on January 8, 2015. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a.        Whether the landlord is entitled to an Order for Possession?
- b.        Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on March 28, 2014, end on March 31, 2015 and become month to month after that. The rent is \$1250 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$625 on March 7, 2014. The tenant(s) continues to live in the rental unit. .

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The basis for the one month Notice to End Tenancy is that the tenant is continually late paying the rent. I determined the tenant has made late rental payments as follows:

- Rent for December 2014 paid on December 5, 2015
- Rent for November 2014 paid on November 12 and 30
- Rent for October 2014 paid on October 6, 2014
- Rent for September 2014 paid on September 4, 2014
- Rent for August 2014 paid on August 12, 2014

The Residential Tenancy Act Policy Guidelines provide that 3 late payments is sufficient for a Notice based on repeated late payments. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date.

**Accordingly, I granted the landlord an Order for Possession effective January 31, 2015.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

I dismissed the claim to recover the cost of the filing fee as the tenant indicated he was leaving in accordance with the one month Notice to End Tenancy.

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: January 22, 2015

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Residential Tenancy Branch

