



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for cause pursuant to section 55;
- authorization to recover their filing fee for this application from the tenant pursuant to section 72.

The landlord's agent (the landlord) attended the hearing via conference call and provided undisputed affirmed testimony. The tenant did not attend or submit any documentary evidence. The landlord stated that the tenant was served with the notice of hearing package via Canada Post Registered Mail on October 7, 2016 and has provided a copy of the Customer Receipt Tracking number as confirmation. I accept the undisputed affirmed evidence of the landlord and find that the tenant has been properly served as per section 90 of the Act.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession issued for cause?

Is the landlord entitled to a monetary order for recovery of the filing fee?

### Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

The landlord provided undisputed affirmed testimony that the tenant was served with a 1 Month Notice dated July 26, 2016 by posting it to the rental unit door with a witness on

July 26, 2016. The 1 Month Notice sets out an effective end of tenancy date of August 31, 2016 and 1 reason for cause as:

Tenant is repeated late paying rent.

The landlord stated that the tenancy began on January 1, 2016 and that the tenant was late paying rent on 4 occasions: February, March, May and July of 2016. The landlord stated as of the date of this hearing that she is not aware of any applications filed for dispute of this notice since it was served to the tenant.

### Analysis

Section 47(1)(b) of the Act permits a landlord to terminate a tenancy by issuing a 1 Month Notice in cases where a tenant has been repeatedly late paying rent.

I accept the undisputed affirmed evidence of the landlord and find that the tenant was properly served with the 1 Month Notice dated July 26, 2016 by posting it to the rental unit door.

Section 47 (5) of the Act states that if a tenant who has received this notice under this section does not make an application for dispute is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit on that date.

I find based upon the landlords undisputed affirmed evidence that although the tenant still occupies the rental unit has not filed an application for dispute to cancel the notice to end tenancy issued by the landlord. The tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. The landlord is entitled to an order of possession issued for cause.

As the landlord has been successful in the application, I grant the landlord a monetary order for recovery of the \$100.00 filing fee.

### Conclusion

The landlord is granted an order of possession.  
The landlord is granted a monetary order for \$100.00.

These orders must be served upon the tenant.

Should the tenant fail to comply with these orders, the order of possession may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Should the tenant fail to comply with the monetary order, the order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

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: November 25, 2016

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Residential Tenancy Branch