



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

The Application for Dispute Resolution filed by the landlord seeks an Order for Possession.

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was personally served on the Tenants on January 15, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenants by posting on February 4, 2017. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an Order for Possession based on a one month Notice to End Tenancy for cause dated January 15, 2017 and setting the end of tenancy for March 1, 2017?

### Background and Evidence:

The tenants have lived in the rental unit for approximately 10 years. On January 31, 2014 the parties signed a written tenancy agreement that provided that the rent was \$700 per month payable in advance on the first day of each month.. The written agreement provides the security deposit was \$325.

The tenants have been late paying the rent for most of the months covered under the tenancy agreement including the months of November 2016, December 2016 and January 2017.

The tenant(s) continue to live in the rental unit.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a one month Notice to End Tenancy that set the end of tenancy for March 1, 2017. 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. Further, the Notice alleges the tenants are repeatedly late paying the rent. I determined based on the evidence presented at the hearing the tenant have been late paying the rent almost every month in the last couple of years including the last three months. Accordingly, I granted the landlord an Order for Possession on 2 days notice.

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.

**This decision is final and binding on both parties.**

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: March 02, 2017

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Residential Tenancy Branch