



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 47;
2. An Order allowing more time to apply to cancel the notice to end tenancy - Section 66;
3. An Order for a rent reduction - Section 65;
4. An Order for the provision of facilities or services - Section 65;
5. An Order allowing an assignment or a sublet - Section 65; and
6. An Order for the Landlord's compliance - Section 62.

The Tenants did not attend the hearing to pursue their application. I therefore dismiss their application in its entirety. The Landlord was given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy started on May 1, 2022. Rent of \$1,450.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$725.00 as a security deposit. The Tenants paid rent late as follows: June 2022 paid June 6, 2022; July 2022 paid July 4, 2022; August 2023 paid August 2, 2022. On August 14, 2022 the Landlord served the Tenants with a one month notice to end tenancy for cause dated August 14,

2022 (the “Notice”) by posting the Notice on the door of the unit. The Notice sets out reasons, including repeat late rent, and provides details. The Tenants have not moved out of the unit and have paid rent for February 2023. The Landlord asks for an order of possession effective February 28, 2023.

Analysis

Section 55(1) of the Act provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 *[form and content of notice to end tenancy]*, and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

As the Tenant's application has been dismissed, as the Notice, a copy of which was provided as evidence, complies in form and content and based on the undisputed evidence of three late rent payments within the past 6 months I find that the Landlord is entitled to an order of possession as requested.

Conclusion

I grant an Order of Possession to the Landlord effective 1:00 p.m. on February 28, 2023. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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 Act.

Dated: January 31, 2023

Residential Tenancy Branch