

## **Decision**

**Dispute Codes:** OPC

### **Introduction**

This hearing dealt with an application by the landlord for an order of possession. The landlord participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenants did not appear.

### **Issue to be decided**

- Whether the landlord is entitled to the above under the Act

### **Background and Evidence**

Pursuant to a written tenancy agreement, the month-to-month tenancy began on June 1, 2010. Rent in the amount of \$700.00 is payable in advance on the first day of each month. A security deposit of \$350.00 was collected near the outset of tenancy.

The landlord testified that only twice since the start of tenancy has rent been paid on time. In the result, the landlord issued a 1 month notice to end tenancy for cause dated October 31, 2010. The notice was served in person on the tenants on that same date. A copy of the notice was submitted into evidence. The reason shown on the notice for its issuance is as follows:

Tenant is repeatedly late paying rent.

The date shown on the notice by when the tenants must vacate the unit is November 30, 2010. Following issuance of the notice, while the tenants have continued to reside in the unit, rent has still not been paid for November 2010.

### **Analysis**

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 1 month notice to end tenancy for cause dated October 31, 2010. The tenants did not apply to dispute the notice within the 10 day period permitted for doing same. The tenants are therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord is entitled to an order of possession.

The landlord has not presently applied for a monetary order as compensation for unpaid rent, or for retention of the security deposit, or for recovery of the filing fee.

### **Conclusion**

Pursuant to all of the above, I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants 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.

DATE: November 26, 2010

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Dispute Resolution Officer