



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 an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for the recovery of the filing fee.

The notice of hearing was served on the tenant on April 11, 2019 by registered mail to the address of the rental unit. The landlord filed a tracking slip into evidence. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy started on September 15, 2018. The monthly rent is \$1,400.00 due in advance on the first of each month. Prior to moving in the tenant paid a security deposit of \$700.00 and a pet deposit of \$350.00.

The landlord testified that the tenant has been repeatedly late paying rent since the start of tenancy. The landlord filed copies of text messages from the tenant asking for more time to pay rent, every month. Based on the dates of the messages, the tenant was late paying rent at least three times since the start of tenancy.

On March 02, 2019, the landlord served the tenant with a notice to end tenancy for cause. One of the reasons for the notice is that the tenant is repeatedly late paying rent. The effective date of the notice is April 05, 2019. The tenant did not dispute the notice to end tenancy. The landlord is applying for an order of possession effective two days after service on the tenant

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant is deemed to have received the notice to end tenancy for cause, on March 05, 2019 and did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Since the landlord has proven his case, he may retain \$100.00 from the security deposit towards the recovery of the filing fee.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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: May 07, 2019

Residential Tenancy Branch