



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## DECISION AND REASONS

Dispute Codes: CNC & FF

### Introduction:

This hearing dealt with the tenant's application to set aside a one month Notice to End Tenancy served for cause. The notice was served on the grounds that the tenant has been repeatedly late paying the rent. Both parties appeared for the hearing and were provided the opportunity to be heard and respond to the evidence of the other party.

### Issue to be Determined:

Should the one month Notice to End Tenancy be set aside?

### Background and Evidence:

This tenancy began effective January 1, 2008 for the monthly rent of \$825.00 and a security deposit of \$412.50 paid on December 12, 2007. The landlord provided evidence showing that the tenant has been late paying her rent for almost every month since the tenancy began.

The tenant acknowledged that she is often late paying rent but she did not believe it was as often as the landlord submits. She has had financial difficulties and does not want to be late paying the rent and was seeking assistance from the landlord. The tenant indicated in the hearing that she has located new accommodation effective February 15, 2009.

### Analysis:

The payment of rent, as stated in the tenancy agreement is a material term of the tenancy. This means that even the most minor of a party's failure to meet that obligation gives the other party the right to end the contract.

I am satisfied that the landlord has established that the tenant has been repeatedly late paying the rent. Even though the tenant has been served multiple notices about this issue, she has not corrected the problem in a reasonable timeframe.

I deny the tenant's application. I find that the one month Notice to End Tenancy is valid and I grant the landlord's request for an Order of Possession effective **January 31, 2009 at 1:00 p.m.** This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion:

The tenant's application is dismissed. The landlord has been granted an Order of Possession of the rental unit.

Dated January 26, 2009.

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Dispute Resolution Officer