



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to have a section 47 Notice to End Tenancy cancelled.

Background and Evidence

The landlord gave the tenant a Notice to End Tenancy under section 47 as follows:

47 (1)

(b) the tenant is repeatedly late paying rent;

(d) the tenant or a person permitted on the residential property by the tenant has

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property.

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- (h) the tenant
 - (i) has failed to comply with a material term, and
 - (ii) has not corrected the situation within a reasonable time after the landlord gives written notice to do so;

I deal first with a claim of repeatedly late rent.

The applicant testified that the tenant has paid his rent late three times this year.

The respondent testified that he can recall paying his rent late once, due to a bank error; however he does not believe it has been late the other two times claimed by the landlord.

Analysis

It's my decision of the landlord has shown that the tenants rent has been late three times this year. The landlord has supplied letters that were sent to the tenant on two occasions and I accept the landlord's testimony in regards to the third occasion.

Therefore I uphold this Notice to End Tenancy based on the fact that they tenants have repeatedly paid the rent late.

Having upheld the Notice to End Tenancy for repeatedly late rent there is no need to deal with the other reasons that were put on the Notice to End Tenancy.

Conclusion



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The application to cancel this Notice to End Tenancy is dismissed and I've issued in Order of Possession to the landlord for June 30, 2009.

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: June 08, 2009.

Dispute Resolution Officer