

DECISION

Dispute Codes: CNR

This hearing dealt with an application by the tenants to cancel a notice to end tenancy for cause.

The tenancy began on November 1, 2007. A monthly rent of \$350.00 is payable in advance on the first day of each month. The landlord said that the tenants were repeatedly late in paying rent and utilities. Specifically, the landlord received the September 2008 rent check on September 4; the November 2008 rent check was post dated to November 8; and the February 2009 rent check was post marked on February 2. On February 20, 2009, the landlord served the tenants with a notice to end tenancy on the ground that the tenants were repeatedly late in paying rent.

The tenants initially disputed being late with their rent as stated by the landlord. They eventually admitted to being late with their rent on these occasions when they were referred to the documentary evidence submitted by the landlord. The only explanations offered by the tenants for their tardiness were "not sure what I did ... Must have been a mistake on my part ... Not sure why it was late." I do not find these explanations to be satisfactory.

The Residential Tenancy Branch Guideline #38 states that three late payments are the minimum number sufficient to justify a notice to end tenancy. In this case, the tenants were late in paying rent on three occasions and no satisfactory explanation was provided for their tardiness. Based on the above, I dismiss the tenants' application to cancel the notice to end tenancy.

During the hearing, the landlord asked for an order of possession. Based on the above facts, I find that the landlord is entitled to an order of possession. The

tenants must be served with the order of possession. 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.