



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution to cancel a 1 Month Notice to End Tenancy for Cause.

### Issues(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 1 Month Notice to End Tenancy for Cause or if the landlord is entitled to an Order of Possession for cause, pursuant to sections 47, and 55, of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The tenancy began on November 1, 2006 as a month to month tenancy for the current rent of \$625.00 due on the 1<sup>st</sup> of the month with a security deposit paid of \$300.00 on November 1, 2006.

The landlord submitted into documentary evidence a copy of a 1 Month Notice to End Tenancy for Cause dated October 14, 2009 with an effective vacancy date of November 25, 2009. The landlord also submitted a copy of the tenant's ledger showing the history of late payments from December 1, 2008 to October 2, 2009.

The landlord's agent testified the tenant had paid up all outstanding rent, however had not paid December 2009 rent on December 1, 2009. The tenant testified that she withheld rent because she had a bedbug problem and held the rent until it was dealt with. I advised the tenant of the requirements under Section 26 that a tenant must pay rent regardless of any other issues with the landlord or rental unit.

The tenant testified that the reason she had been repeatedly in her payments over the last year was because she had lost her job last year and had been receiving Income Assistance of \$610 per month. The tenant stated she started a new job in October 2009 and is not able to pay rent on time on a regular basis.

The landlord's agent testified that there was no interest in settling the dispute and having the tenancy reinstated and asked for an Order of Possession. The agent agreed, at the tenant's request, to an effective vacancy date of December 13, 2009.

### Analysis

Section 47 of the *Act* states a landlord may end a tenancy for repeated late payments of rent. The Residential Tenancy Policy Guidelines state that three late payments are sufficient to justify a notice under these provisions.

The landlord's evidence shows the tenant was late every month in 2009 except for the month of June. I find the tenant has failed to provide evidence to support her request to cancel the Notice to End Tenancy.

### Conclusion

I dismiss the tenant's application to cancel the 1 Month Notice to End Tenancy for Cause dated October 14, 2009.

I find that the landlord is entitled to an Order of Possession effective no later than **December 13, 2009 at 1:00 p.m.**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

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: December 04, 2009.

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Dispute Resolution Officer