



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes MT, CNC, LRE, FF

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for:

- An Order allowing more time to make an application to cancel the Notice to End Tenancy;
- An Order to Cancel a Notice to end Tenancy for Cause, such cause being repeated late payment of rent;
- An Order suspending or setting conditions on the Landlord’s right to enter the rental unit; and
- Recovery of the filing fee.

I accept the Tenant’s evidence that the Landlord was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions. As the Tenant made the application to cancel the Notice to End Tenancy within the time allowed, the Tenant withdrew his request for an order allowing more time. During the Hearing, the Landlord verbally requested an Order of Possession.

### Issue(s) to be Decided

Is there is sufficient cause to end the tenancy?

Is the Landlord entitled to an Order of Possession?

Is the Tenant entitled to an order suspending or setting conditions on the Landlord's right of entry?

### Background and Evidence

The tenancy commenced in July 2009. The Landlord provided evidence of repeated late rent payments throughout the tenancy. The Tenant states that his pay periods were such that rent was provided a few days late on most occasions. The Tenant also stated that his intention was to move out of the unit. The Tenant stated that his work schedule is such that he normally sleeps during the day and that he was being bothered by the landlord's knocks on his door during the day or their requests to make inspections during the days when he is sleeping. The Tenant stated that since he is no longer staying at the unit and will be moving out, he did not require any conditions to be placed on the Landlords beyond what is required by the Act.

### Analysis

For this type of application, the onus is on the Landlord to prove the Notice to End was issued for sufficient reasons. Given the evidence of continuous late payment of rent, I find the Landlord has met the burden of proof in showing she had *sufficient* cause to end this tenancy for repeated late payment of rent. I therefore find the Landlord's Notice to be valid and dismiss the tenant's application to cancel the Notice.

Accordingly, the Landlord is entitled to an **Order of Possession** with an effective date of April 30, 2011. Given the Tenant's statement that no conditions are required for the Landlords right of entry, I also dismiss the Tenants' application for an Order for such conditions and for recovery of the filing fee.

### Conclusion

The Tenant's application is **dismissed**.

**I Order** the tenancy to end on April 30, 2011 and grant an **Order of Possession** for this effective date to the Landlord. This Order must be served on the Tenant. Should the

Tenant 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.

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: April 05, 2011.

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Residential Tenancy Branch