



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened in response to an application by the tenant seeking to cancel a Notice to End Tenancy given for cause.

Both parties appeared at the hearing of this matter and gave evidence under oath.

Issue(s) to be Decided

Do the landlords have cause to end this tenancy?

Background and Evidence

This tenancy began sometime previously however the parties formalized the tenancy with a written Tenancy Agreement commencing July 16, 2011. In the Agreement submitted into evidence rent was fixed at \$800.00 per month and payable on the 17th of each month. The landlords have issued a Notice to End Tenancy stating that the tenant is repeatedly late paying rent however the parties agree that since the formalization of this tenancy the rent was late only once. The landlords submitted that they really do not want to rent the premises out anymore and wish to end this tenancy.

Analysis

With respect to the Notice to End Tenancy for repeated late payment of rent as this tenancy was to commence on July 16, 2011 and the evidence of both parties is that the rent is only late once since that date, I find this to be insufficient to end this tenancy for repeated late payment of rent.

Conclusion

The tenant's application is allowed. The effect of this decision is that this tenancy shall continue as though no notice had been issued.

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: September 26, 2011.

Residential Tenancy Branch