

DECISION

Dispute Codes CNR, FF

Introduction

This hearing dealt with an application by the tenant seeking to have a One Month Notice to End Tenancy for Cause set aside. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to have the Notice set aside?

Background and Evidence

The tenancy began on or about Sept 1, 1997 in a Manufactured Home Park. Rent in the amount of \$261.00 is payable in advance on the first day of each month.

The tenant testified to the following; feels that the Notice should be set aside as she eventually pays the rent.

The landlord testified to the following; the tenant is repeatedly late and seeks to end the tenancy, many Ten day Notices to End Tenancy for Unpaid Rent or Utilities have been issued to the tenant along with a warning letter that her tenancy could be in jeopardy if she doesn't pay the full amount on time. The landlord posted a One Month Notice to End Tenancy for Cause on August 2, 2011. The landlord supplied documentation to support his position.

Analysis

Both parties agreed that the tenant would eventually pay her rent but it was consistently paid late. The landlord provided evidence that the tenant has been late in paying the rent for every month in 2011; the tenant does not dispute this. The tenant gave the following testimony; "I am a single mother of two boys dealing with up and down struggles, yes I am always late...bad habit but it shouldn't be a big deal as long as it's paid". The tenant was unable to provide any disputing evidence or testimony to support her application.

Section 38 of the Residential Tenancy Policy Guideline outlines the following; that three late payments are the minimum number sufficient to justify a notice under these provisions.

The One month Notice to End Tenancy for Cause dated August 2, 2011 remains in full effect and force.

Conclusion

The tenant's application is dismissed.

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 20, 2011.

Residential Tenancy Branch