



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, OPT, O

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request to cancel a Notice to End Tenancy that was given for cause.

Background and Evidence

On March 26, 2012 a one month Notice to End Tenancy was posted on the tenant's door.

The reasons given for ending the tenancy are as follows:

- Tenant is repeatedly late paying rent.
- Tenant or person permitted on the property by the tenant has:

- Significantly interfered with or unreasonably disturbed another occupant or the landlord.
- Seriously jeopardize the health or safety or lawful right of another occupant or the landlord.

At the hearing the landlord stated that the tenant has been late with the rent in the months of January 2012, February 2012, and March 2012. The landlord also stated that the rent was also late numerous times in 2011.

The tenant admitted that his rent has been late at least three times this year, stating that it was due to job issues, and problems with roommates;, however each time it was going to be late he told the landlord in advance and also paid the late fee.

Analysis

Section 47(1)(b) of the Residential Tenancy Act states:

47 (1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

(b) the tenant is repeatedly late paying rent;

In this case the tenant has admitted that he has paid the rent late at least three times this year, and numerous times last year and therefore it is my decision that the landlord does have the right to end this tenancy for repeatedly rent payments.

Therefore I am not willing to cancel this Notice to End Tenancy.

Having upheld the Notice to End Tenancy for repeatedly late rent, I make no finding on the other reasons given for ending the tenancy.

Conclusion

This application is dismissed, and at the request of the landlords I have issued an Order of Possession for 1 p.m. on May 7, 2012.

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 30, 2012.

Residential Tenancy Branch