



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC

Introduction

This was an application by the tenant seeking more time to make an application to cancel a Notice to End Tenancy. The hearing was conducted by conference call. The tenant and the landlord called in and participated in the hearing.

Issue(s) to be Decided

Should the landlord's Notice to End Tenancy for repeated late payment of rent be cancelled?

Background and Evidence

The tenancy began in February, 2012. The monthly rent is \$800.00. The landlord assumed management of the rental property in June, 2012. On December 30, 2012 she served the tenant with a one month Notice to End Tenancy for cause for repeated late payment of rent. The tenant submitted her application on January 9, 2013. I find that the applicant made her application within the allowed time period and it is not necessary to allow her more time to dispute the Notice to End Tenancy .

The landlord established at the hearing that the tenant has been late paying rent on three occasions and the tenant acknowledged that there were grounds to end the tenancy. The tenant explained the circumstances that caused her to be late in making rent payments and noted that she has paid all the arrears and has paid January rent. The tenant has the rent for February.

The landlord is not prepared to allow the tenancy to continue, but she is prepared to allow the tenant to stay in the rental unit until February 28, 2013 provided February rent is paid today for uses and occupancy. The landlord requested an order for possession effective February 28th. The tenant agreed to pay the February rent and said she would move out on February 28th.

Analysis and conclusion

The landlord has establish cause to end the tenancy, I therefore dismiss the tenant's application for dispute resolution without leave to reapply and I grant the landlord an order for possession effective February 28, 2012 after service on the tenant. This order may be registered 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: February 01, 2013

Residential Tenancy Branch

