



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kurpil Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This is an application filed by the Landlord for an order of possession as a result of a 1 month notice to end tenancy issued for cause being issued.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of a hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

Both parties agreed that the Landlord served the Tenant with a 1 month notice to end tenancy issued for cause dated November 1, 2013 by posting it to the rental unit door on November 1, 2013 with a witness. The notice displays an effective vacancy date of November 12, 2013 and with 1 reason for cause listed as the tenant is repeatedly late paying rent. The Tenant disputes this claim. The Landlord states that he only has receipts issued for the cash rent payments until September and that the Tenant has not paid rent for October or November. The Tenant disputes this stating that the Landlord has refused to accept his rent payments.

Analysis

I find on a balance of probabilities that the Landlord has failed to provide sufficient evidence to satisfy me that there is repeatedly late rent payments. The onus or burden of proof lies with the party who is making the claim. When one party provides evidence

of the facts in one way and the other party provides an equally probable explanation of the facts, without other evidence to support their claim, the party making the claim has not met the burden of proof, on a balance of probabilities, and the claim fails. The Landlord's Application for an order of possession is dismissed.

Conclusion

The Landlord'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: November 27, 2013

Residential Tenancy Branch

