



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, O

Introduction

This is a request for an Order of Possession based on a Notice to End Tenancy that was given for repeated late payment of rent.

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony, 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

The issue is whether to issue an Order of Possession based on a Notice to End Tenancy given for cause.

Background and Evidence

The landlords testified that:

- The tenant has not paid any rent since April of 2012, and rent has been late a total of 28 times during this tenancy.
- They therefore request that an Order of Possession be issued for as soon as possible.

The tenant testified that:

- He does not believe that he owes any rent, as he has been doing work on the landlord's farm in lieu of rent.
- He has nothing in writing allowing him to deduct money from the rent for work done, however it is his belief that the landlord's verbally agreed to this.

In response to the tenant's testimony the landlord testified that:

- They did in the past allow the tenant to do work on the farm in lieu of rent, however that agreement was not working out and therefore since the fall of 2012 they have had no agreement for the tenant to do work in lieu of rent.
- They have a farm hand who works on the farm and they do not need the tenant to do work as well and any work done by the tenant has been done on his own without their agreement.

Analysis

It is my finding that the landlords have shown that the rent for this rental property has been late on numerous occasions.

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;

Therefore since the landlords have shown that the rent for this rental unit has been late on numerous occasions they do have the right to end this tenancy.

I therefore allow the landlords request for an Order of Possession.

Conclusion

Therefore pursuant to sections 47, and 55 of the Residential Tenancy Act, I have issued an Order of Possession that is enforceable two days after service on the tenant.

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: July 23, 2014

Residential Tenancy Branch

