



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This is an application to cancel a Notice to End Tenancy that was given for repeated late 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 cancel or uphold a Notice to End Tenancy that was given for repeated late rent.

### Background and Evidence

On September 2, 2014 the landlord served the tenant with the one-month Notice to End Tenancy for repeated late rent.

The landlord testified that:

- The tenant is late with the rent almost every month, and he's decided that he no longer wants this tenancy to continue.
- He is therefore requesting that the notice be upheld and that an Order of Possession be issued.

The tenant testified that:

- Rent has been late approximately 5 times in the past two years, however she has always informed the landlord when it was going to be late and it did not seem to be a problem.
- She didn't want to move, however she has already moved a portion her belongings.

### Analysis

The Residential Tenancy Act allows the landlord to end a tenancy if the rent is repeatedly late, and in this case the tenant has admitted that the rent has been late on at least five occasions, and therefore I will not cancel the Notice to End Tenancy.

### Conclusion

This application to cancel the Notice to End Tenancy is dismissed and, at the request of the landlord, 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: November 03, 2014

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Residential Tenancy Branch

