



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: *OPC*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession, pursuant to a notice to end tenancy for cause.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy?

Background and Evidence

The tenancy started on July 01, 2007. The monthly rent is \$863.00 due in advance on the first day of each month.

The tenant agreed that she has not paid rent for the last two months of March and April 2015. The tenant further agreed that she paid rent late for the prior three months of tenancy by making payments on December 02, 2014, January 06, 2015 and February 10, 2015.

On February 10, 2015 the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of March 31, 2015. The reason for the notice is that the tenant was repeatedly late paying rent. The tenant agreed that she had received the two page notice. The tenant did not make application to dispute the notice.

The landlord filed a statement of rental payments made by the tenant from January 2013 to February 2015. The statement indicates that the tenant was late paying rent twenty times during this period.

Analysis

Based on the testimony of both parties, I find that the tenant did not dispute the notice to end tenancy. Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

In addition, pursuant to section 38 of the *Residential Tenancy Policy Guideline*, three late payments are the minimum number sufficient to justify a notice under these provisions. Since January 2013, the tenant was late paying rent on twenty occasions. Therefore, I find that the landlord has proven the reason to end the tenancy for cause and accordingly, I uphold the notice to end tenancy.

I find that the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective 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: April 02, 2015

Residential Tenancy Branch

