



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capilano Heights Restaurant Co. Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC MNR MNDC OLC ERP RP PSF RR FF

Introduction

This hearing convened pursuant to the tenant's application to cancel a notice to end tenancy for cause, as well as for monetary compensation, a reduction in rent, an order that the landlord comply with the Act, orders for repairs and emergency repairs and an order that the landlord provide services or facilities required by law. One tenant and an agent for the landlord participated in the teleconference hearing.

I determined that the issue of the notice to end tenancy took precedence, and only heard evidence on that issue. I will address the remainder of the tenant's application in the conclusion of my decision.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence. Both parties were given full opportunity to give testimony and present their evidence regarding the notice to end tenancy for cause. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Is the notice to end tenancy for cause valid?

Background and Evidence

The tenancy began approximately four to five years ago. The parties agreed that rent is \$1400.00 per month, to be paid in advance in two installments of \$700.00 due on the first and 15th day of each month.

On June 27, 2015 the landlord served the tenant with a notice to end tenancy for cause. The notice indicated that the reasons for ending the tenancy were that (1) the tenant had repeatedly paid rent late; and (2) the tenant had caused extraordinary damage to the rental unit or property.

The landlord provided evidence that the tenant had paid rent late on 28 of 30 occasions over the past year and a half. The tenant did not dispute that rent had been paid late this often, but stated that the reason it was paid late was because the landlord was not diligent in paying the tenant for materials and labour for work he had done on the rental property.

Analysis

I find that the notice to end tenancy dated June 27, 2015 is valid on the ground of repeated late payment of rent. I explained to the tenant that I do not have jurisdiction to address employment issues. As I found the notice was valid on the ground of repeated late payment, it was not necessary for me to consider whether the tenant had caused extraordinary damage to the unit or property.

The landlord requested and is entitled to an order of possession. The tenant has not paid rent for August 2015, and the tenancy ended on July 31, 2015, the corrected effective date of the notice to end tenancy. I therefore grant an order of possession effective two days after service.

As the tenant's application to cancel the notice to end tenancy was unsuccessful, the tenant is not entitled to recovery of the filing fee for the cost of his application.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As the tenancy has ended, I dismiss without leave the portions of the tenant's application regarding a reduction in rent, an order that the landlord comply with the Act, orders for repairs and emergency repairs and an order that the landlord provide services or facilities required by law.

The portion of the tenant's application regarding monetary compensation is dismissed with leave to reapply.

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: August 5, 2015

