



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding More Than a Roof Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was convened pursuant to the tenant's application to cancel a notice to end tenancy for cause. The tenant and the landlord participated in the teleconference hearing.

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 affirmed testimony and present their evidence. 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 dated August 29, 2016 valid?
If so, is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on December 20, 2010. Current subsidized rent of \$355.00 is payable in advance on the first day of each month.

On August 29, 2016 the landlord served the tenant with a notice to end tenancy for cause. The notice indicates that the tenant had been repeatedly late paying rent. The landlord stated that the rent has been paid late nearly every month since 2014.

The tenant did not dispute these facts.

Analysis

I have reviewed all evidence and I accept the landlord's undisputed evidence that the tenant has been repeatedly late paying rent, contrary to section 47 of the Act. I therefore confirm the notice to end tenancy and dismiss the tenant's application.

I am satisfied that the notice to end tenancy for cause dated August 29, 2016 meets the requirements regarding form and content as set out in section 52 of the Act.

Under section 55 of the Act, when a tenant's application to cancel a notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the order of possession. The landlord stated that they would be willing to extend the order of possession to November 30, 2016. Accordingly, I grant the landlord an order of possession effective for that date.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective November 30, 2016. 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.

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 4, 2016

Residential Tenancy Branch

