

DECISION

Introduction

This hearing dealt with the Tenant's two applications filed on July 8, 2023 and August 4, 2023 under the *Residential Tenancy Act* (the "Act") seeking:

- to dispute the 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice), issued June 2, 2023, under section 46 of the Act
- to dispute the One Month Notice to End Tenancy for Cause (One Month Notice) issued July 24, 2023, under section 47 of the Act
- an order requiring the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act
- authorization to recover the filing fee under section 72 of the Act

This decision should be read with the interim decision dated September 6, 2023.

Issues to be Decided

Is the tenancy at an end?

Is either party entitled to any orders?

Facts and Analysis

This tenancy began on November 1, 2015, with a security deposit in the amount of \$445.00 and a pet deposit in the amount of \$490.00. The current monthly rent is \$1,036.00 plus \$85.00 for parking, and the tenancy agreement provides for a \$25.00 late fee in accordance with the Residential Tenancy Regulations.

The Landlord has served various notices to end this tenancy. The Landlord issued a 10 Day Notice on June 2, 2023. However, I find the Tenant paid rent in time to cancel this June 10 Day Notice.

The Landlord then issued a One Month Notice on July 24, 2023, for frequent late payment of rent. In addition, the Landlord issued subsequent 10 Day Notices on August 2, 2023, September 5, 2023, October 4, 2023, and November 3, 2023. I find the notices

to end tenancy issued by the Landlord comply with section 52 of the Act. The Tenant does not dispute receiving multiple notices.

The parties agree that the last rent payment made by the Tenant was for \$1,225.00 on July 12, 2023, related to rent owing for July 2023. The Tenant admits that they owe rent for August to November 2023.

The Landlord submitted a spreadsheet calculating the amount of rent, parking, and late fees owing as \$3,797.00. I accept the Landlord's evidence in this regard.

Therefore, I grant the Landlord a monetary order for unpaid rent, parking, and late fees, under section 67 of the Act in the amount of \$3,797.00 as claimed.

Based on the evidence and the testimony of the parties, I find the Landlord is entitled to an order of possession on the basis of frequent late payment of rent under section 47 of the Act and on the basis of unpaid rent under sections 46 and 55 of the Act.

Effective dates for orders of possession in these circumstances have generally been set for two days after the order is received. However, an arbitrator may consider extending beyond two days if it is warranted in the circumstances.

I accept that the Tenant may require more time to vacate the rental unit due to their current financial situation, the rental market, and the length of their tenancy and likely accumulation of possessions to pack. I also acknowledge the Landlord's position that the Tenant has had over three month's notice to find other accommodations. I further note that the Tenant will be required to pay rent for the entire month of November as it was due on the first of the month.

For all of the above reasons, I grant the Landlord an order of possession effective November 30, 2023 at 1:00 pm after service on the Tenant.

Conclusion

I grant an Order of Possession to the Landlord **effective November 30, 2023, at 1:00 pm after service of this Order on the Tenant**. Should the Tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I grant the Landlord a Monetary Order in the amount of **\$3,797.00**. The Landlord is provided with this Order on the above terms and the Tenant must be served with **this**

Order as soon as possible. Should the Tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

I dismiss the Tenant's application in its entirety, without 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 Act.

Dated: November 10, 2023

Residential Tenancy Branch