



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Municipal Affairs

DECISION

Dispute Codes CNR, OPC-DR

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

The Landlord requested:

- an Order of Possession pursuant to section 55;

The Tenant requested:

- cancellation of the landlords’ 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony and to make submissions. The Tenant confirmed receipt of the Landlords Application, Notice of Hearing Documents and evidence. The Tenant did not serve the Landlord her Application for Dispute Resolution nor did she submit any evidence for this hearing, accordingly; I dismiss the Tenant’s application without leave to reapply.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession based on the One Month Notice to End Tenancy for Cause?

Background and Evidence

The parties agreed to the following facts. This tenancy began on October 12, 2019, with monthly rent set at \$2,718.00, payable on the first of each month. The landlord collected, and still holds, a security deposit of \$1,250.00. The Tenant continues to reside in the rental unit.

The Landlord issued the One Month Notice on September 4, 2025 with an effective date of October 31, 2025, to the Tenant for repeatedly paying the rent late. The Landlord testified that in a twelve-month period of October 2024 to September 2025, the Tenant was late in paying the rent 11 times. The Landlord requests an order of possession effective November 30, 2025.

The Tenant testified that she has been waiting for a monetary settlement with the Canada Revenue Agency for over four years. The Tenant offered her apologies and stated that she was embarrassed, annoyed, frustrated and mortified with the situation.

Analysis

Section 55(1) of the *Act* reads as follows:

- 55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if
- (a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and
 - (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

Residential Tenancy Policy Guideline 38 addresses the issue before me as follows:

Three late payments are the minimum number sufficient to justify a notice under these provisions. It does not matter whether the late payments were consecutive or whether one or more rent payments have been made on time between the late payments. However, if the late payments are far apart an arbitrator may

determine that, in the circumstances, the tenant cannot be said to be “repeatedly” late

The Landlord provided extensive documentation to support his claim that the Tenant was repeatedly late in paying the rent 11 out of 12 months in a twelve-month period. Based on the above, I find that the tenancy must end and that the Landlord is entitled to an order of possession.

I find that the One Month Notice dated September 4, 2025 with an effective date of October 31, 2025 complies with section 52 of the *Act*. The Landlord testified that he is content with an order of possession that takes effect at 1:00 p.m. on November 30, 2025.

Conclusion

The Tenant’s application is dismissed in its entirety without leave to reapply.

I grant an Order of Possession to the landlord effective **November 30, 2025**. 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.

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: October 24, 2025

Residential Tenancy Branch