



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes - OPR, MNR, MNSD, FF

### Introduction

This hearing dealt cross applications. The landlord has submitted an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order for unpaid rent. The tenant has applied to cancel the Notice to End Tenancy and for compensation under the Act.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for cause; to a monetary Order for unpaid rent; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Another issue the needs to be decided is whether the tenant is entitled to cancel the notice to end tenancy and a monetary order for damages under the *Act*.

### Background and Evidence

The tenancy began on March 29, 2009 as a month to month tenancy with rent due on the 1<sup>st</sup> of the month in the amount of \$825.00. A security deposit of \$412.50 was paid on March 29, 2009.

The landlord submitted the following evidentiary material:

- A copy of a 1 Month Notice to End Tenancy for Cause which was issued on October 12, 2009 with an effective vacancy date of October 12, 2009 citing the tenant is repeatedly late paying rent; tenant has allowed an unreasonable number of occupants in the unit; the tenant or a person permitted on the property by the tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord; the tenant has engaged in illegal activity that has or is likely to damage the landlord's property and adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord; and the tenant knowingly gave false information to prospective tenant or purchaser of the rental unit;

- Rent receipts for several months confirming the tenant seldom paid rent on the 1<sup>st</sup> of the month

The landlord confirmed in his testimony the tenant pay full rent for October 2009 with \$600.00 outstanding; or for November or December with an additional \$1700.00 outstanding.

The tenant failed to provide any written evidence and did not attend the hearing.

### Analysis

The Residential Tenancy Policy Guidelines state that three late payments are sufficient to justify a notice under the provisions of Section 47 for a landlord to end a tenancy. In the absence of any evidence to the contrary, I find the landlord is entitled to end the tenancy on this basis, I therefore dismiss this part of the tenant's application.

The tenant has also failed to provide any evidence to support her claim for compensation for damages under the Act, I therefore dismiss this part of the tenant's application.

### Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to monetary compensation pursuant to Section 67 and therefore grant a monetary order in the amount of **\$2,350.00** comprised of \$2,300.00 rent owed and the \$50.00 fee paid by the Landlord for this application.

This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) 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: December 10, 2009.

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Dispute Resolution Officer