



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPQ and FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a two-month Notice to End Tenancy as the tenant no longer qualifies for the subsidized rental unit. Notice was served by posting on the tenant's door on January 23, 2009. The landlord also seeks a Monetary Order to recover the filing fee for this proceeding.

Despite being served with the Notice of Hearing, posted on the rental unit door on February 20, 2009, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and recovery of the filing fee from the tenant.

Background and Evidence

This tenancy began October 1, 2008. Rent is \$184 per month and there is no security deposit.

During the hearing, the landlord gave evidence that the that the Notice to End Tenancy had been served as the tenant no longer had custody of her children, a requisite of the subsidized tenancy.

She stated that the tenant had been issued with a similar notice early in the tenancy but that was held in abeyance pending an assessment which determined that custody of the children was not imminent. However, the tenant did not vacate the rental unit resulting in the notice now under consideration.

Analysis

Section 49.1(5) and (6) of the *Act* which provides for notice to end when the tenant has ceased to qualify for subsidized housing provides that a tenant may apply to dispute the notice within 15 days of receipt.

If the tenant does not make such application, they are conclusively presumed to have accepted that the tenancy ends on the date set in the notice.

In this matter, the tenant has not made application to dispute the notice.

Therefore, the landlord requested and I find the landlord is entitled to an Order of Possession effective March 31, 2009.

I further find that the landlord is entitled to recover the filing fee for this proceeding from the tenant and issue a Monetary Order for that purpose.

.

Conclusion

Thus, the landlord's copy of this decision is accompanied by an Order of Possession effective at 1 p.m. on March 31, 2009 and a Monetary Order for \$50.

The Order of Possession is enforceable through the Supreme Court of British Columbia and the Monetary Order is enforceable through the Provincial Court of British Columbia.

March 12, 2009

Dispute Resolution Officer