

DECISION

Dispute Codes: CNQ, CNC

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause and another notice to end tenancy based on the tenant ceasing to qualify for subsidized housing.

At the outset of the hearing, the landlord cancelled the notice to end tenancy for cause. The tenant therefore withdrew her application to cancel the notice to end tenancy for cause.

The landlord said that he submitted a package of documentary evidence to the Residential Tenancy Branch (RTB) on July 6, 2009. However, I found no such evidence in either my file or the RTB system. This decision is therefore based on oral testimony given by the parties.

The tenancy began on January 1, 1996. A monthly rent in the amount of \$1047.00 is payable in advance on the first day of each month. On June 2, 2009, the landlord posted on the tenant's door, a notice to end tenancy based on the tenant ceasing to qualify for subsidized housing.

The landlord gave the following reasons for this notice. The landlord operates a building that offers subsidized housing under an agreement with B.C. Housing. As such, all tenancies in the building are subject to qualification under a subsidy agreement between B.C. Housing, the landlord and the tenant. At the outset of this tenancy, the tenant and her two daughters lived in a three bedroom unit. At one point, one of the daughters got married and moved out. Thereafter, only two occupants (the tenant and one daughter) have been living in a three bedroom unit. This situation has disqualified the tenant as a tenant for her unit under the subsidy agreement. The landlord had offered the tenant to move into a two

bedroom unit but she refused. Therefore, the landlord served the tenant with a notice to end tenancy.

The tenant did not dispute that she has ceased to qualify as a tenant for her unit under a subsidy agreement with the landlord and B.C. Housing. She explained that she wanted an extra bedroom for her mother's occasional visits. The tenant also did not dispute the landlord's assertion that her mother is not named as a tenant on the tenancy agreement or the subsidy agreement. She also explained that there might be more occupants in the unit as she has put in an application to foster children.

Based on the tenant's admission that she has ceased to qualify as a tenant for her unit under a subsidy agreement with the landlord and B.C. Housing, I find that the landlord has proven ground to end this tenancy. I therefore dismiss the tenant's application to cancel the notice to end tenancy.

During the hearing, the landlord requested an order of possession effective August 31, 2009. Based on the above facts, I find that the landlord is entitled to an order of possession effective August 31, 2009. 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.

Dated July 16, 2009.