



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNQ

This hearing was scheduled for 11:00 a.m. on this date to hear the tenant's application for an order cancelling a notice to end tenancy which was issued because the tenant no longer qualifies for subsidized housing. The landlord appeared at the hearing and was prepared to respond to the tenant's application, however, the tenant did not appear by 11:10 a.m. and I dismiss the tenant's application without leave to reapply.

During the course of the hearing, the landlord applied for an Order of Possession, and referred to the 2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit, which was provided by the landlord in advance of the hearing. That document shows that it was issued on August 19, 2010, complies with Section 52 of the *Residential Tenancy Act*, and states that the tenant no longer qualifies for the subsidized rental unit. The document shows an expected date of vacancy to be October 31, 2010. The landlord also provided proof of service of the notice, which states that the tenant was served personally on August 23, 2010 and contains the tenant's signature. I also find that the notice to end the tenancy complies with Section 49.1 of the *Residential Tenancy Act*.

The landlord also provided a copy of the Tenancy Agreement, which specifies that "No more than 2 and no fewer than 1 person per bedroom." The landlord also testified that the rental unit has 3 bedrooms, the tenant no longer has her children residing in the rental unit and therefore no longer qualifies for that subsidized housing.

Further, where I uphold a notice to end a tenancy, I am required to issue an Order of Possession if applied for by the landlord.

In the circumstances, I hereby grant an Order of Possession in favor of the landlord effective October 31, 2010 at 1:00 p.m. The Order of Possession must be served on the tenant. If the tenant fails 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.

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 19, 2010.

Dispute Resolution Officer