

## **DECISION**

Dispute Codes      OPQ, FF

### Introduction

This is an application by the Landlord for an order of possession resulting from the Landlord's 2 month notice to end tenancy because the Tenant does not qualify for subsidized housing. The Landlord has also made a request for the recovery of the filing fee.

The Landlord appeared by conference call and gave undisputed affirmed testimony. The Tenant did not attend.

### Issues(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

This Tenancy Agreement began on January 1, 2009 where the Tenant moved in on December 15, 2008. The monthly rent is \$1,500.00 and the Tenant's portion of the subsidized rent is \$595.00. The Tenant paid a \$450.00 security deposit on December 11, 2008. The Landlord has provided into evidence a copy of the tenancy agreement, an application for rent subsidy form as an addendum to the tenancy agreement, a letter dated March 19, 2010 to the Tenant regarding additional occupants living in the rental unit, a cancelled cheque from the 3<sup>rd</sup> party alleged to be living in the rental unit, a copy of the 2 month notice to end tenancy because the Tenant does not qualify for a rent

subsidy dated September 30, 2010, which was served in person on September 30, 2010 by the Landlord's agent and by posting it on the door of the rental unit on September 27, 2010. The Landlord states that the Tenant has not filed an application for dispute resolution regarding this 2 month notice within the allowed 15 day application period. The Landlord has made numerous attempts at clarifying the issue with the Tenant with no success. The Landlord served the Tenant with a copy of the hearing documents on October 28, 2010 by registered mail and has included a copy of the tracking number along with a print out from Canada Post that the delivery was made successfully with an electronic signature recorded from the Tenant.

### Analysis

Based upon the undisputed affirmed testimony and the evidence filed by the Landlord, I am satisfied that the Tenant was properly served in person on September 30, 2010 with the 2 month notice to end tenancy because the Tenant does not qualify for a subsidized rental unit. As the Tenant has failed to apply for dispute resolution regarding this notice within 15 days of receiving it, she is presumed to accept that the tenancy is ending and must move out of the rental unit by the date set out on the notice as November 30, 2010. I also find that the hearing documents were properly served by registered mail on October 28, 2010 as shown in the Landlord's evidence of the registered mail tracking status from Canada Post. Based upon the above facts, I find that the Landlord is entitled to an order of possession. 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.

I find that as the Landlord has been successful in his application, he is entitled to the recovery of the \$50.00 filing fee. I grant the Landlord an order under section 67 for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession for November 30, 2010 at 1pm.

The Landlord is granted a monetary order for \$50.00.

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: November 23, 2010.

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Dispute Resolution Officer