



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPQ, FF

Introduction

This is the landlord's application for an order of possession as the tenant no longer qualifies for subsidized housing.

Both parties appeared, and were provided the opportunity to present their evidence, and make submissions to me.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenant entered into a subsidized tenancy agreement on June 1, 2000. The rental unit was a three bedroom townhouse and at the time the tenant had two children.

The landlord stated that the tenant was served with a 2 month notice to end tenancy because the tenant no longer qualifies for this subsidized rental unit, by posting it to the door of the rental unit on May 24, 2011. The notice informed the tenant that she no longer qualifies for this three bedroom subsidized rental unit and the date that the tenant was required to move from the rental unit was July 31, 2011.

The landlord stated that the tenant is the only occupant of the three bedroom townhouse and no longer qualifies for this rental unit. The landlord stated this townhouse is needed for families that have been waiting.

The landlord stated that the tenant was offered to rent a bachelor unit or a one bedroom unit that they had available, but she would not accept either units.

The landlord stated he would allow the tenant to stay in the rental unit until November 30, 2011, and that the tenant could contact him about alternative housing.

The tenant's agent was interruptive and belligerent and stated that her mother needed at least two or three months to move out of the rental unit.

Analysis

Based on the above, the statement, and evidence, and on a balance of probabilities, I find as follows:

The tenant did not apply to dispute the notice within 15 days after it was received and is therefore conclusively presumed under section 49.1(6) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the landlord is entitled to an order of possession effective at **1:00 p.m.** on **November 30, 2011**. This order may be filed in the Supreme Court and enforced as an order of that Court.

As the landlord has been successful with their application, I grant the recovery of the filing fee in the amount of \$50.00.

Conclusion

I find that the landlord is entitled to an order of possession effective **at 1:00 p.m.** on **November 30, 2011**. This order may be filed in the Supreme Court 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: November 18, 2011.

Residential Tenancy Branch

