



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession.

The hearing was conducted via teleconference and was attended by the landlord's agent only. The tenant did not attend.

The landlord's agent testified that he served the tenant with notice of this hearing personally on November 22, 2011. Based on the landlord's agent's testimony, I accept the tenant was sufficiently served the landlord's Application and notice of this hearing.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession because the tenant no longer qualifies for a subsidized rental unit and to a monetary order to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 49.1, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The tenancy began on December 1, 2009 as a month to month tenancy for the current monthly rent of \$304.00, subsidized based on income due on the 1<sup>st</sup> of each month; and

The landlord submitted the following documentary evidence:

- A copy of a 2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit that was issued on August 31, 2011 with an effective vacancy date of October 31, 2011.

Documentary evidence filed by the landlord indicates the tenant was served the 2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit personally on August 31, 2011 at 11:50 a.m.

The Notice states the tenant had fifteen days to apply for Dispute Resolution or the tenancy would end. The tenant did not apply to dispute the Notice to End Tenancy within fifteen days.

### Analysis

I have reviewed all documentary evidence and accept that the tenant has been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on August 31, 2011 and the effective date of the notice was October 31, 2011.

Based on the foregoing, I find the tenant is conclusively presumed under Section 49.1(6) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

### Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$50.00** comprised of the fee paid by the landlord for this application.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: December 07, 2011.

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Residential Tenancy Branch