



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPQ

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession as the Tenant no longer qualifies for subsidized housing.

Service of the hearing documents, by the Landlord to the Tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on June 19, 2012. Mail receipt numbers were provided in the Landlord's evidence.

Based on the submissions of the Landlord I find the Tenant was sufficiently served notice of this proceeding. Therefore, I proceeded in the Tenant's absence.

The Landlord and Agent appeared at the teleconference hearing and gave affirmed testimony. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

1. Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord submitted copies of documents into evidence which included: the tenancy agreement, registered mail receipts, a follow up letter dated January 18, 2012, a final notice dated February 17, 2012, and the 2 Month Notice to End Tenancy issued April 24, 2012.

The Landlord advised that the Tenant signed the tenancy agreement which began on April 1, 2005, agreeing to provide financial information on an annual basis in order to re-qualify for subsidy.

The Landlord confirmed that for some unknown reason the Tenant has failed to provide the required financial information for this year's qualification so they were left with no choice but to cancel her subsidy and issue her the 2 Month Notice.

The Agent and Landlord confirmed the 2 Month Notice was posted to the Tenant's door on April 26, 2012 with an effective date of June 20, 2012. The Landlord submitted that she is not intentionally trying to cause the Tenant hardship so she is seeking the Order of Possession for July 31, 2012.

Analysis

Upon review of the Notice to End Tenancy, I find the 2 Month Notice to be completed in accordance with the requirements of the Act and I find that it was served upon the Tenant in a manner that complies with the Act. Upon consideration of all the evidence presented to me, I find the Landlord had valid reasons for issuing the Notice.

Section 49.1(5) of the Act provides that a Tenant may dispute the Notice within 15 days upon receipt of the Notice. In this case the Tenant did not dispute the Notice, therefore the Tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit to which the notice relates pursuant to section 49.1(6) of the *Act*. Accordingly, I approve the Landlord's request for an Order of Possession.

Conclusion

The Landlord has been granted an Order of Possession effective July 31, 2012. This Order is legally binding and must be served upon the Tenant.

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: July 10, 2012.

Residential Tenancy Branch