

DECISION

Dispute Codes OPQ, FF

Introduction

This is an application filed by the Landlord for an order of possession because the Tenant does not qualify for subsidized rental unit and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Landlord states that the Tenant was served with the notice of hearing package and the evidenced by Canada Post Registered Mail on November 29, 2012 and December 19, 2012. The Landlord has submitted copies of both Customer Receipt Tracking Numbers for both. The Landlord states that the hearing package was returned by Canada Post as unclaimed and that the Tenant currently resides at the rental unit. No documentary evidence has been submitted by the Tenant. As such, I am satisfied that the Tenant was properly served with the notice of hearing package as deemed under the Act.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background, Evidence and Analysis

The Landlord's Agent states that the Tenant was served with the 2 month notice to end tenancy because the Tenant does not qualify for subsidized rental unit dated September 21, 2012 on the same date by the property manager, W.K. on the same date by posting it to the rental unit door. The Landlord's Agent, W.K. confirms this in his direct testimony. The stated effective date of the notice is November 30, 2012 and the notice shows the reason for cause as "The tenant no longer qualifies for the subsidized rental unit."

I accept the undisputed testimony of the Landlord and find that Tenant was properly served with the 2 month notice dated September 21, 2012. As per the notice, the Tenant has not filed an application for dispute resolution within the allowed timeframe and is conclusively presume to have accepted that the tenancy is ending. The Landlord has established a claim for an order of possession based upon the notice served. The Landlord is granted an order of possession. The order of possession must be served

on the Tenant. 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.

The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant a monetary 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 and 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: January 07, 2013.

Residential Tenancy Branch

