



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding British Columbia Housing Management Commission  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes: OPQ, FF

### Introduction

This hearing concerns the landlord's application for an order of possession / and recovery of the filing fee. The landlord's agents attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing by way of registered mail, the tenant did not appear. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail. The landlord's agents testified that the hearing package was ultimately returned to the landlord.

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement the tenancy began on October 01, 2011. The tenant's portion of monthly rent is presently \$328.00.

Pursuant to section 49.1 which speaks to **Landlord's notice: tenant ceases to qualify for rental unit**, the landlord issued a 2 month notice to end tenancy dated January 03, 2014. The notice was served by way of posting on the unit door on January 03, 2014. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is March 31, 2014. The reason identified on the notice in support of its issuance is as follows:

The tenant no longer qualifies for the subsidized rental unit.

Subsequently, the tenant did not file an application to dispute the notice, and it is uncertain whether or not he has completely vacated the unit and removed all of his possessions. The landlord filed an application for dispute resolution on April 15, 2014.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agents, I find that the tenant was served with a 2 month notice to end tenancy dated January 03, 2014. While it is unknown whether the tenant has vacated the unit, he did not dispute the notice by filing an application for dispute resolution. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As the landlord has succeeded with this application, I find that the landlord has established entitlement to recovery of the **\$50.00** filing fee, and I hereby issue a **monetary order** in favour of the landlord for that amount.

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$50.00**. This order may be served on the tenant, filed in the Small Claims 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: June 04, 2014

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Residential Tenancy Branch

