



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with an Application for Dispute Resolution filed on July 31, 2014, by the Tenant to cancel a Notice to end tenancy issued because the Tenant does not qualify for a subsidized rental unit.

The hearing was conducted via teleconference and was attended by the Landlord and the Tenant. Each party gave affirmed testimony and confirmed receipt of evidence served by the other. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. 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

Have the parties agreed to settle these matters?

Background and Evidence

It was undisputed that the parties executed a written tenancy agreement for a month to month tenancy that commenced on March 1, 2000. The Tenant is required to make application for subsidy each year in order to qualify for subsidized rent. On or before March 1, 2000 the Tenant paid \$175.00 as the security deposit.

During the course of these proceedings the parties agreed to settle these matters.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute on the following terms:

- 1) The Tenant withdrew their application to cancel the 2 Month Notice;
- 2) The Landlord agreed to allow the tenancy to continue until October 31, 2014 pending receipt of the required Guaranteed Income Supplement (GIS) verification letter;
- 3) If the Landlord receives the GIS verification information prior to October 31, 2014 and the Tenant qualifies for subsidized rent, the 2 Month Notice and the conditional Order of Possession will be void, and the tenancy will continue until such time as it is ended in accordance with the Act;
- 4) If the Landlord receives the GIS verification information prior to October 31, 2014 and subsequently finds out that the Tenant does not qualify for subsidized rent due to his income levels, then the Landlord may serve the Tenant the Order of Possession, the tenancy will end and the Tenant must vacate the rental unit; or
- 5) If the Tenant fails to provide the Landlord with the required Guaranteed Income Supplement (GIS) verification by close of business on October 31, 2014, then the Landlord may serve the Tenant with the Order of Possession, at which time the tenancy will end, and the Tenant must vacate the unit.

In support of the above listed settlement agreement, the Landlord will be issued a conditional Order of Possession effective October 31, 2014, which will be in effect if either condition # 4 or # 5 exists.

Conclusion

The Landlord has been granted a conditional Order of Possession effective **October 31, 2014, after service upon the Tenant**. In the event that the Tenant does not comply with this Order it may be filed with the Province of British Columbia 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: October 02, 2014

Residential Tenancy Branch

