



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPQ

Introduction

This hearing was convened in response to an application by the Landlord pursuant to section 55 of the *Residential Tenancy Act* (the “Act”) for an Order of Possession pursuant to a *2 Month Notice to End Tenancy Because The Tenant Does Not Qualify For Subsidized Rental Unit*. The landlord further requests recovery of the filing fee. Both parties attended the conference call hearing. The Landlord and Tenant were each given opportunity to be heard, to present evidence and to make submissions.

The style of cause has been altered to reflect the name of the female tenant.

Issue(s) to be Decided

Is the Notice to End Tenancy valid?
Is the Landlord entitled to an Order of Possession?
Is the landlord entitled to the monetary amount claimed?

Background and Evidence

The following is relevant and undisputed evidence. On January 08, 2015, the Landlord served the Tenant with a *2 Month Notice to End Tenancy Because The Tenant Does Not Qualify For Subsidized Rental Unit* (the “Notice”) by posting the Notice on the door and the tenant acknowledges receiving the Notice. The Notice has an effective date of March 31, 2015. The Tenant has not filed an application to dispute the Notice despite

acknowledging they received it on January 08, 2015 and read the Notice. The parties discussed the landlord's repeated demands for the tenant to complete their subsidy of rent documentation and that they were provided written reminders as to what was required and by the required dates, and extension to those dates was provided. However, to date the tenant has not provided all of the required documents.

Analysis

Section 49.1 of the Act requires that upon receipt of a *2 Month Notice to End Tenancy Because The Tenant Does Not Qualify For Subsidized Rental Unit* the tenant may, within 15 days of receiving the notice, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate the unit by that date. Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired.

Based on the undisputed evidence I find that the Tenant was validly served with the Notice dated January 08, 2015 on the same date. As the Tenant has not disputed the Notice I find that the Landlord is entitled to an Order of Possession effective no sooner than the effective date of the Notice - March 31, 2015. The landlord is entitled to recover the filing fee of \$50.00.

Conclusion

I grant an Order of Possession to the Landlord **effective March 31, 2015**. The Tenant must be served with this **Order of Possession**. 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.

I Order that the landlord **may deduct \$50.00** from the tenant's security deposit in satisfaction of the filing fee. The landlord

This Decision is final and binding on both parties.

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: March 09, 2015

Residential Tenancy Branch

