



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPQ MNR MND FF

Introduction:

This was an application by the landlord:

- a. to obtain an Order of Possession pursuant to section 49.1 of the Act as the tenant has ceased to qualify for the rental unit;
- b. To obtain a Monetary Order for compensation for damages to the unit and unpaid rent; and
- c. To recover the filing fee.

SERVICE:

I find that the Notice to End a Residential Tenancy dated June 23, 2015 was served personally. The landlord provided evidence of service of the application for dispute resolution by registered mail. It was verified that delivery was attempted and after Notices were left and the tenant failed to pick it up, the Application was returned. I find the tenant is deemed to be served with the Application pursuant to sections 89 and 90 of the Act. The landlord also stated that they reminded the tenant to attend the hearing.

Issues: Has the landlord proved on the balance of probabilities that the tenant has ceased to qualify for the rental unit, that she has unpaid rent and has damaged the property beyond reasonable wear and tear?

Background and Evidence:

Only the landlord attended the hearing and was given opportunity to be heard, to provide evidence and to make submissions. The tenancy began on June 10, 2013. The current rent as subsidized is \$426 a month. The tenant has not paid rent for August or September 2015. There is no security deposit. The landlord served the Notice to End Tenancy pursuant to section 49.1 because the tenant has ceased to qualify for the rental unit. The landlord explained that this is subsidized housing and rent is based on income. Once per year tenants are required to submit financial information to prove they still qualify for the housing; this is set out in clause 10(c) of their tenancy agreement. This tenant has not submitted her financial information despite numerous requests to do so. The landlord requests an Order of Possession effective September 15, 2015.

The landlord also requests a monetary order for damages to the property, namely a broken window which cost \$896.54 to replace (invoice in evidence). They also request the monetary order to include unpaid rent for August in the amount of \$426. In evidence is the tenancy agreement, invoices, photographs, the Notice to End Tenancy, and rental information. On the basis of the documentary and solemnly sworn evidence a decision has been reached.

Analysis:

The Notice to End a Residential Tenancy is based section 49.1(2) of the Act which provides that landlords in public housing bodies may end a tenancy if a tenant ceases to qualify for the subsidized unit. I find the weight of the evidence is that this tenant has ceased to qualify as she has not demonstrated she meets the eligibility criteria related to financial disclosure as required under the terms of her tenancy agreement and section 49.1(1) (b). I grant the landlord an Order for Possession effective September 15, 2015 as requested.

I find the weight of the evidence is that the tenant and/or her guests damaged the property beyond reasonable wear and tear by breaking a window that cost \$896.54 to repair. The landlord's evidence is well supported by invoices and photographs. I find the landlord entitled to recover this cost of repair. I find the tenant has paid no rent for August or September 2015 and the landlord requests recovery of rent for August; the amount of \$426 will be added to the monetary order for unpaid August's rent. .

Conclusion:

I grant the landlord an Order for Possession effective September 15, 2015 and a monetary order as calculated below. I find they are entitled to recover the filing fee also.

Repair of broken window	896.54
Rent for August 2015	426.00
Filing fee	50.00
Total Monetary Order to Landlord	1372.54

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: September 03, 2015

Residential Tenancy Branch

