



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RED DOOR HOUSING SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNL

### Introduction

This hearing was convened by way of conference call in response to the tenant's application for an Order to cancel a Two Month Notice to End Tenancy because the tenant does not qualify for a subsidized rental unit.

The tenant and landlord attended the conference call hearing and gave sworn testimony. The landlord and tenant provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. The parties confirmed receipt of evidence. I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue(s) to be Decided

Is the tenant entitled to an Order cancelling the Two Month Notice to End Tenancy?

### Background and Evidence

The parties agreed that this tenancy started on December 01, 2014 for a fixed term until April 30, 2015; thereafter the tenancy continued on a month to month basis. Rent for this unit is \$878.00 per month and the tenant pays a subsidized amount of \$474.00 per month.

The landlord testified that the tenant did not comply with the agreement for subsidized rent. The tenant was not allowed to have another adult living in the unit without written person from the landlord, without that person being included on the tenancy agreement, and without eligibility for subsidy and occupancy standards. This was a two bedroom unit and the tenant and her daughter were permitted to reside there.

The landlord testified that there is an annual requirement for the tenant to fill in rent subsidy forms and return them to the landlord. A letter requesting this was sent to the tenant on May 06, 2015. On May 28, 2015 the tenant wrote to the landlord and informed them that her adult stepdaughter had moved into the unit. On June 03, 2015 a Final Notice was sent to the tenant asking her to be complainant and fill in the rent subsidy forms. The tenant sent the landlord another letter dated June 03, 2015 about her stepdaughter's circumstances. On June 18, 2015 the landlord sent the tenant a letter for an income review. The landlord testified that she had had a conversation with the tenant at this point and agreed to extend the time to July 31 that the tenant's stepdaughter could remain in the unit. After this time the tenant was required to provide offsite residency information for her stepdaughter to confirm she had moved out. On July 09, 2015 a reminder letter was sent to the tenant about providing offsite residency information to the landlord after July 31, 2015.

The landlord testified that the tenant did not provide this information and her stepdaughter continued to reside in the rental unit after July 31, 2015. On August 06, 2015 a Final Notice was sent to the tenant asking for confirmation of her stepdaughter's offsite residency. This letter also informed the tenant that if she did not send the information in within one week of the date of the Notice the tenant would be considered to be in noncompliance and a Two Month Notice to End Tenancy would be issued. On August 25, 2015 the tenant had still not provided this offsite information and the landlord served the tenant with a Two Month Notice to End Tenancy on August 25, 2015. The Notice provided the reason to end the tenancy that the tenant no longer qualifies for subsidized housing and had an effective date of October 31, 2015. The landlord is

willing to extend this date to November 30, 2015 to give the tenant time to find alternative accommodation.

The landlord seeks to have the Two Month Notice upheld as the tenant has been unable to establish her eligibility to occupy a subsidized housing unit.

The tenant testified that her stepdaughter moved in around February, 2015. The tenant testified that her stepdaughter had undergone a traumatic event and required somewhere to stay. The tenant agreed she did not notify the landlord until May, 2015 that another adult was residing in the rental unit. The tenant testified that her stepdaughter would not move out and the tenant did have the heart to put her out on the street. The tenant testified that her stepdaughter did eventually move out on August 30, 2015 but would not provide her forwarding address to the landlord to establish residency elsewhere as she felt it was not the landlord's business.

### Analysis

I have carefully considered all the evidence before me, including the sworn testimony of both parties. I am satisfied that the tenant did allow another adult to reside in her rental unit. In doing so this jeopardized the tenant's tenancy as this is a subsidized rental unit. The tenant was in noncompliance with the tenancy agreement and the occupancy standards as provided for under BC Housing Corporation.

The tenant was given ample warning by the landlord to provide information concerning her rent subsidy and failed to do so. The tenant was also given ample warning of the landlord's need to have an offsite address for this other adult to prove she no longer resided in the tenant's rental unit. I find the landlord acted fairly in providing these Notices to the tenant and extending the time the tenant had to remove this other adult from the unit and provide proof of this to the landlord along with her annual rent subsidy forms.

In affect the tenant has jeopardized her tenancy and the information provided by the landlord shows the tenant no longer qualifies for a subsidized housing unit. Consequently, the tenant's application to cancel the Two Month Notice is denied and the tenancy ends on October 31, 2015.

The landlord has extended the date the tenant has to vacate the unit to November 30, 2015 and will allow the tenant to occupy the unit until that date.

The landlord did not orally request an Order of Possession at the hearing; however, the tenant was made fully aware that the tenancy ends on October 31, 2015 in accordance with the effective date of the Notice and must vacate the rental unit by November 30, 2015.

#### Conclusion

The tenant's application is dismissed without leave to reapply.

The Two Month Notice to End Tenancy remains in force and effect and this tenancy ends on October 31, 2015 with an extension for the tenant to vacate on November 30, 2015.

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 29, 2015

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Residential Tenancy Branch

