



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Chilliwack Kiwanis Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNQ, OPQ, FF

Introduction

This hearing was convened in response to cross applications.

The Tenant filed an Application for Dispute Resolution in which he applied to set aside a Two Month Notice to End Tenancy Because Tenant Does Not Qualify for Subsidized Rent Unit.

The Tenant stated that on September 04, 2015 the Application for Dispute Resolution, the Notice of Hearing, and various documents the Tenant submitted to the Residential Tenancy Branch with the Application were sent to the Landlord, via registered mail. The Agent for the Landlord acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

The Landlord filed an Application for Dispute Resolution in which the Landlord applied for an Order of Possession and to recover the fee for filing an Application for Dispute Resolution. The Agent for the Landlord stated that on September 10, 2015 the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord submitted to the Residential Tenancy Branch on September 10, 2015 were sent to the Tenant, via registered mail. The Tenant acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

On September 16, 2015 the Landlord submitted additional documents to the Residential Tenancy Branch. The Agent for the Landlord stated that these documents were served to the Tenant by registered mail on September 16, 2015. The Tenant acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

Both parties were represented at the hearing. They were provided with the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions.

Preliminary Matter

The Tenant and the Advocate for the Tenant stated that the Advocate for the Tenant is not a tenant in the rental unit. As the Advocate for the Tenant is not a tenant, she should not have been named as an Applicant in these proceedings. The Application for Dispute Resolution has been amended accordingly, although the Advocate for the Tenant was permitted to assist the Tenant during the proceedings.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession or should the Two Month Notice to End Tenancy Because Tenant Does Not Qualify for Subsidized Rent Unit, served pursuant to section 49.1 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

Prior to the end of the teleconference the Landlord and the Tenant mutually agreed to settle this dispute by agreeing to end the tenancy, by mutual consent, on January 31, 2016.

Analysis

The issues in dispute in this Application for Dispute Resolution have been settled by the parties.

Conclusion

On the basis of the settlement agreement reached by the parties, I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on January 31, 2016.

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 08, 2015

Residential Tenancy Branch

