



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Victoria Cool Aid Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNQ

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was convened by telephone conference call and was attended by the landlord's agent. The tenant did not attend.

I note that because this is an application made by the tenant to cancel a notice to end tenancy Section 55 of the *Residential Tenancy Act (Act)* requires that I grant the landlord an order of possession should the tenant not be successful in cancelling the notice or I dismiss his Application.

### Issue(s) to be Decided

It must be determined if the tenant is entitled to cancel a 2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit, pursuant to Sections 49.1 of the *Act*.

If the tenant is unsuccessful in having the 2 Month Notice to End Tenancy cancelled it must be determined if the landlord is entitled to an order of possession, pursuant to Section 55(1).

### Background and Evidence

The tenant submitted a copy of a 2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit issued on May 10, 2017 with an effective vacancy date of July 31, 2017.

The notice indicates that it was served to the tenant by mail on May 11, 2017. The tenant wrote on his Application for Dispute Resolution that he received the Notice on May 10, 2017.

### Analysis

Section 49.1 of the *Act* states a landlord may end the tenancy of a subsidized rental unit by giving notice to end the tenancy if the tenant or other occupant, as applicable, ceases to qualify for the rental unit.

As the tenant has failed to attend this hearing and present his evidence to establish the Notice should be cancelled, I dismiss the tenant's Application for Dispute Resolution.

Section 55(1) of the *Act* stipulates that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if the landlord's notice to end tenancy complies with Section 52 and the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

Section 52 requires that to be effective, a notice to end a tenancy issued by the landlord must be in writing; signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

I find the Notice to End Tenancy submitted as evidence complies with the requirements set out in Section 52 of the *Act*. As I have dismissed the tenant's Application seeking to cancel the Notice and I have found the Notice complies with Section 52, I find the landlord is entitled to an order of possession, pursuant to Section 55(1).

### Conclusion

I find the landlord is entitled to an order of possession effective July 31, 2017 after service on the tenant. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: July 19, 2017

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Residential Tenancy Branch