



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding INTERIOR COMMUNITY SERVICES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNQ

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act") to cancel a 2 Month Notice to End Tenancy Because The Tenant Does Not Qualify For Subsidized Rental Unit dated February 20, 2018 ("2 Month Notice")

An agent for the landlord ("agent"), an agent for BCH ("BCH agent"), an auditor for BCH ("auditor") and the tenant attended the teleconference hearing. During the hearing the parties were given the opportunity to provide their evidence orally. A summary of their testimony is provided below and includes only that which is relevant to the hearing.

Both parties confirmed that they received evidence from the other party and had the opportunity to review that evidence prior to the hearing. I find the parties were served in accordance with the *Act*.

### Preliminary and Procedural Matter

The parties confirmed their email addresses at the outset of the hearing. The parties confirmed their understanding that the decision would be emailed to both parties. Any applicable orders will be emailed to the appropriate party.

### Issue to be Decided

- Should the 2 Month Notice be cancelled?

### Background and Evidence

A copy of the tenancy agreement was submitted in evidence. The parties agreed that the tenancy began on June 1, 2010. The tenant's rent is subsidized by BCH and each year an annual review is done to confirm that the tenant continues to qualify for subsidized housing.

The tenant could not recall when he received the 2 Month Notice but did confirm that he received the 2 Month Notice "in time". The agent testified that on February 21, 2018 the tenant was served with the 2 Month Notice at his rental unit. The reason listed on the 2 Month Notice indicates "The tenant no longer qualifies for the subsidized rental unit". The tenant applied to dispute the 2 Month Notice on March 9, 2018 which is within 15 days of February 24, 2018 which I find to be the deemed service date of the 2 Month Notice pursuant to section 90 of the *Act* as documents posted to the door are deemed served 3 days after they are posted.

During the hearing, the agent referred to three letters dated November 16, 2017, December 12, 2017 and January 23, 2018 requesting and reminding that the tenant must provide the required information so that the landlord could determine if the tenant still qualified for a subsidized rental unit. The agent testified that the tenant has not provided the required information for a period of eight months and that there were also informal requests in addition to the formal letters submitted in evidence. The tenant claims that he could not provide the required information due to the Canada Revenue Agency ("CRA") auditing him. The tenant failed to submit any documentary evidence to support this statement and also failed to provide the letter he claims to have submitted to the landlord explaining why he could not provide the required information.

During the hearing the tenant confirmed that he received at least the January 23, 2018 letter from the landlord and has not provided the requested information even though the letter reads in part "**Verification Audit – FINAL REMINDER**".

### Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

**Order of possession** – Firstly, I find the agent's testimony to be consistent and specific as to why the 2 Month Notice was issued and that the tenant failed after many requests to provide the required documentation so that the landlord could determine whether the tenant qualifies for subsidized housing. As a result, I am satisfied that the tenant had

many opportunities and a reasonable time to provide that information and I am not satisfied that the tenant provided the required information to the landlord. I find the tenant's testimony to be vague and unsupported by documentary evidence. Therefore, I dismiss the tenant's application in full without leave to reapply and I uphold the 2 Month Notice as I find the landlord has submitted sufficient evidence to support that the 2 Month Notice is valid. Therefore I find the tenancy ended on April 30, 2018 which is the effective date of the 2 Month Notice.

As the parties confirmed that money has been paid by the tenant for use and occupancy for May and June of 2018, I grant the landlord an order of possession **effective June 30, 2018 at 1:00 p.m.**

### Conclusion

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

The 2 Month Notice is upheld and the landlord is granted an order of possession effective June 30, 2018 at 1:00 p.m. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: May 25, 2018

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Residential Tenancy Branch