



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPQ, MNR, MNDC, FF

Introduction

The landlord applies for an order of possession pursuant to a two month Notice to End Tenancy given claiming the tenant no longer qualified for this subsidized rental unit. Section 49.1 of the *Residential Tenancy Act* provides that, if proven, that failure to qualify is a valid reason for a landlord to end a tenancy.

The respondent tenant did not attend the hearing within ten minutes after its scheduled start time at 9:30 a.m. on September 26, 2019. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the landlord's representatives and this arbitrator were the only ones who had called into this teleconference during that period.

Ms. B. for the landlord showed that the tenant was served with the application and notice of hearing by registered mail (tracking number shown on cover page of this decision). Canada Post records show the mail was sent July 30, 2019 and went "unclaimed by recipient." I find that the tenant has been duly served. A respondent cannot avoid this process by declining to collect his mail.

Ms B. shows that the tenant was served with the two month Notice by registered mail (tracking number also shown on cover page of this decision). Canada Post records show the mail was sent June 11, 2019 and was delivered to the tenant on June 12.

The tenant has not applied to dispute the Notice. By operation of s. 49.1(6), if a tenant who has received a Notice such as this does not make an application to dispute the Notice he is conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and must vacate the rental unit by that date.

This tenancy ended July 31, 2019, the effective date in the Notice and the landlord is entitled to an order of possession. Ms. Y. indicates the tenant has paid occupation rent for the month of September and so the order of possession will be effective September 30, 2019.

Ms. Y. testifies that the tenant's rent increased in a small amount last year but he has not paid the difference, which now totals \$35.00. I accept this evidence and award the landlord \$35.00. She also testifies that the tenant lost his keys and the landlord expended \$70.00 replacing them for him. I award the landlord \$70.00 as claimed.

In result the landlord is entitled to a monetary award of \$105.00 as claimed, plus recovery of the \$100.00 filing fee. I authorize the landlord to retain the amount of \$205.00 from the \$239.50 security deposit it holds, in full satisfaction of the award.

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 26, 2019

Residential Tenancy Branch