



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING FOUNDATION and [tenant
name suppressed to protect privacy]

DECISION

Dispute Codes **CNR, CNC, CNL, OLC**

Introduction

This hearing dealt with the Tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

1. Cancellation of the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to Sections 46(1) and 62 of the Act;
2. Cancellation of the Landlord's One Month Notice to End Tenancy for Cause pursuant to Section 47 of the Act;
3. Cancellation of the Landlord's Two Month Notice to End Tenancy for Landlord's Use of Property pursuant to Section 49 of the Act; and,
4. An order for the Landlord to comply with the Act, regulations and tenancy agreement pursuant to Section 62(3) of the Act.

The hearing was conducted via teleconference. The Landlord and the Tenant attended the hearing at the appointed date and time. The Landlord provided affirmed testimony. The Tenant said he was unable to understand my question when asked to provide a solemn affirmation. I asked if he promised to tell the truth, or that he would not lie in the hearing. The Tenant still did not understand the question.

The Tenant did not provide proof of service of the dispute resolution package on the Landlord.

The Landlord did not submit any documentary evidence, including the notice to end tenancy documents, or proof of service of the notice to end tenancy documents.

Issue(s) to be Decided

1. Is the Tenant entitled to have the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent cancelled?
2. Is the Tenant entitled to have the Landlord's One Month Notice to End Tenancy for Cause cancelled?
3. Is the Tenant entitled to have the Landlord's Two Month Notice to End Tenancy for Landlord's Use of Property cancelled?
4. Is the Tenant entitled to an order for the Landlord to comply with the Act, regulations and tenancy agreement?

Background and Evidence

I have reviewed all written and oral evidence and submissions before me; however, only the evidence and submissions relevant to the issues and findings in this matter are described in this decision.

The tenancy began in 2002. The Landlord stated that the Tenant is receiving BC Housing subsidy and the Tenant is required to submit income evidence annually. The Landlord said if they do not receive the income review documents, then the Tenant is classified as not qualifying for the BC Housing subsidy. The Tenant does not understand why he has to prove he qualifies for the BC Housing subsidy.

The Landlord said the Tenant has submitted income evidence documents for the last 19 years. The Landlord also testified that they know the Tenant recently suffered a stroke.

The Landlord said they have no intention of evicting the Tenant. The Landlord said they are willing to work with the Tenant to support him.

Analysis

This application dealt with the Tenant's application to dismiss several of the Landlord's notices to end tenancy.

During the hearing, the Tenant seemed to have a difficult time understanding the legal process he was in. The Tenant did not seem to communicate or understand the request of him to tell the truth during the hearing, instead he asked me if I needed his address. I

have concerns that the Tenant is a vulnerable person who needs assistance in managing his personal (housing), and legal affairs. Consequently, pursuant to Section 62(2), I find it appropriate to Order the Landlord to refer this person to the Public Guardian and Trustee of British Columbia (the "PGT") for them to investigate if the person needs support and assistance to protect his financial and legal affairs including his eligibility for housing subsidy.

The Landlord requires information that the Tenant routinely provided in previous years, as without this information the Landlord is unable to continue the Tenant's BC Housing subsidy eligibility. The Landlord stated they are willing to work with the Tenant or his representative.

The Landlord must serve this Decision to:

Assessment and Investigation Services
700 – 808 West Hastings Street
Vancouver, BC V6C 3L3
Phone: 604-660-4507
Toll Free Phone: 1-877-511-4111
Local Fax: 604-660-9479
Toll Free Fax: 1-855-660-9479
Email: Ais-Pds@trustee.bc.ca

As neither the Landlord nor the Tenant provided copies of the notice to end tenancy documents or the dispute resolution package, Section 62(4)(a) and (b) of the Act states that the director may dismiss all or part of an application for dispute resolution if there are no reasonable grounds for the application or part, or the application or part does not disclose a dispute that may be determined under this Part.

Consequently, I find that the application does not disclose a dispute that may be determined, and I dismiss all the Tenant's claims with leave to re-apply. The tenancy shall continue until it is ended in accordance with the Act.

Conclusion

The Tenant's application is dismissed with leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: October 05, 2021

Residential Tenancy Branch