



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes: CNQ OPQ

Introduction:

This was an application by the tenant to cancel a Notice to End the Tenancy dated April 16, 2015 to be effective June 30, 2015 and issued pursuant to section 49.1 of the Act alleging he has ceased to qualify for the rental unit. Both parties were present at the hearing.

SERVICE:

I find that the Notice to End a Residential Tenancy was served by posting it on the door and the landlord admitted service of the application for dispute resolution.

Issues: Is the tenant entitled to any relief?

Background and Evidence:

Both parties attended the hearing and were given opportunity to be heard, to provide evidence and to make submissions. The tenancy began on March 1, 2005 and the current rent is \$511 as subsidized. There is no security deposit. The landlord served the Notice to End Tenancy pursuant to section 49.1 as the tenant did not submit the required documentation to show he qualified for the unit.

The tenant contended he had submitted documentation to show his income including his tax Notice of Assessment. The landlord said a Letter of Entitlement from Service Canada is required; this letter sets out a declaration of income including CPP, OAS and the tenant must request this from Service Canada. It has not been received and the landlord said they have had a similar problem with the tenant over the past few years and this occupies much staff time. However, she said they have nothing against this tenant and would like him to stay if he qualifies. After further discussion, the parties agreed to settle on the following terms and conditions.

Settlement Agreement:

- 1. The tenant agrees to get the necessary letter from Service Canada as soon as possible.**

- 2. The landlord will receive an Order of Possession effective July 4, 2015 which they agree not to enforce provided the necessary letter is obtained to show the tenant qualifies for the unit.**

Analysis:

Pursuant to the above noted settlement, I find the landlord entitled to an Order of Possession effective July 4, 2015. I note they have agreed not to enforce this Order provided the tenant obtains the necessary document to show he qualifies for the unit.

Conclusion:

I dismiss the Application of the tenant. I find the landlord entitled to an Order of Possession effective July 4, 2015 which will not be enforced provided the necessary document is provided to the landlord before that date
. No filing fee was involved.

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: June 04, 2015

Residential Tenancy Branch

