



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Island Orchard Limited and Murray Erickson  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNL

### Introduction

The tenant requested an order pursuant to section 49 (8) of the Residential Tenancy Act to set aside a Notice of End a Residential Tenancy for Landlord Use dated December 31, 2016 and setting the end of tenancy for February 28, 2017. Only the landlord attended the tele-conference hearing which lasted 18 minutes.

### Issue(s) to be Decided

Is the landlord entitled to an Order for Possession?

### Background and Evidence

Based on the evidence of the landlord I find that the Notice to End the Tenancy was served on the tenant by handing it to him on December 31, 2016. The Notice to End a Residential Tenancy relies on sections 47-49 (3) of the Residential Tenancy Act. That section provides as follows:

#### **Landlord's notice: landlord use**

- 49** (3) A landlord who is an individual may end a tenancy in respect of a rental unit if the landlord or a close family member of the landlord intends in good faith to occupy the rental unit.

The tenant disputed the Notice by making this application but failed to attend the hearing which lasted eighteen minutes. Accordingly I dismissed his application. I confirmed the Notice. The landlord requested an Order for Possession.

### Analysis

At the hearing I noted that the landlord advised that he intended to demolish the unit and construct a dwelling which is contrary to the reason that the landlord issued the Notice initially.

However, section 55(2) (b) and (4) provides that the arbitrator must grant an order of possession of the rental unit if, if an arbitrator has dismissed the tenant's application and has upheld the Notice. I dismissed the tenant's application and upheld the Notice. As a result I granted the landlord an Order for Possession February 28, 2016 after service on the tenant.

### Conclusion

I have dismissed the tenant's application herein and upheld the Notice. I granted the landlord an Order for Possession effective February 28, 2016 after service on the tenant. The tenant must be served with this decision and Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement. I have not made any order as to the recovery of the filing fee.

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: February 06, 2017

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Residential Tenancy Branch