



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened in response to an application by the Landlord for an order of possession pursuant to section 55 of the *Residential Tenancy Act* (the “Act”).

The Tenant did not attend the hearing. I accept the Landlord's evidence that the Tenant was served with the application for dispute resolution, notice of hearing and evidence (the “Hearing Package”) by registered mail on May 12, 2022 in accordance with Section 89 of the Act. Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if given or served by mail, on the 5th day after it is mailed. Given the evidence of registered mail I find that the Tenant is deemed to have received the Hearing Package on May 17, 2022. The Landlord was given full opportunity under oath to be heard, to present evidence and to make submissions. The Landlord's Witness gave testimony under oath.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy under written agreement started on September 15, 2019. At the outset of the tenancy the Landlord collected \$1,300.00 as a security deposit. Rent of \$2,600.00 is payable on the first day of each month. On February 22, 2022 the Landlord with the Witness present served the Tenant with a two month notice to end tenancy for landlord's use dated February 22, 2022 (the “Notice”). The Notice sets out an effective date of May 1, 2022 and the stated reason that the landlord or the landlord's spouse will occupy the unit. The Landlord will occupy the unit and while waiting to move into the

unit is living temporarily with a sibling. The Landlord seeks an order of possession for as soon as possible.

Analysis

Section 55(2) of the Act provides that where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired, a landlord may request an order of possession. Given the undisputed evidence that the Tenant received the Notice, as there is no evidence that the Tenant disputed the Notice and as the Tenant has not moved out of the unit, I find that the Landlord is entitled to an order of possession effective two days after its service on the Tenant.

Conclusion

I grant an Order of Possession to the Landlord effective two days after its service on the Tenant. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: August 30, 2022

Residential Tenancy Branch