



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

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

The Landlord states that while the Tenant is not in the country the Landlord only has the residential address of the Tenant at the dispute unit. The Landlord states that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail. The Landlord also sent the Tenant copies by email and the Tenant received those copies. I find therefore that the Landlord served the Tenant in accordance with and sufficiently for the purposes of Section 89 of the Act. The Tenant did not attend the hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy began on September 15, 2009. Rent of \$1,300.00 is payable monthly on the fifteenth day of each month. On January 6, 2015 the Landlord served the Tenant with a two month notice to end tenancy for landlord’s use (the “Notice”) with an effective date of April 1, 2015 by posting the Notice on the unit door. The Tenant has not disputed the Notice and has not moved out of the unit. The Landlord no longer wishes

to be a landlord and intends to retain the unit for the Landlord's own use. The Landlord requests an order of possession effective April 1, 2015.

Analysis

Section 55 of the Act provides that a landlord may request an order of possession 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. Based on the undisputed evidence of the Landlord that the Landlord intends to use the unit personally I find that the Landlord has substantiated that the Notice is valid. Accepting that the Tenant was given the Notice but has not disputed the Notice, I find that the Landlord has substantiated an entitlement to an order of possession.

Conclusion

I grant the Landlord an Order of Possession effective 1:00 p.m. on April 1, 2015.

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: March 18, 2015

Residential Tenancy Branch