



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes** CNR FF

### **Introduction**

This hearing was convened in response to an application by the tenant to cancel a Notice to End for Unpaid Rent (The Notice).

The tenant and the landlord and four of their representatives attended the hearing. At the outset of the hearing the tenant informed the hearing they had vacated the rental unit the previous week pursuant to the Notice to End and therefore were no longer disputing the Notice. The tenant did not object to the landlord's request for an Order of Possession. As a result, the tenant's application was preliminarily effectively dismissed.

### **Issues(s) to be Decided**

Is the landlord entitled to an Order of Possession?

### **Analysis**

If the tenant has vacated the rental unit of their possessions the landlord has effectively regained legal possession of the unit and an Order of Possession is not necessary. None the less, **Section 55** of the *Act* provides that if a tenant's application to dispute a 10 day Notice to End Tenancy Due to Unpaid Rent is dismissed or the landlord's notice is upheld the landlord is entitled to an Order of Possession if the landlord's notice complies with **Section 52** of the *Act*.

In relevant part **Section 55** states as follows;

#### **Order of possession for the landlord**

**55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

(a) the landlord's notice to end tenancy complies with section 52 *[form and content of notice to end tenancy]*, and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I find the landlord's Notice to End for Unpaid Rent complies with Section 52 of the Act and as a result of dismissing the tenant's application I grant the landlord an Order of Possession.

***I grant the landlord an Order of Possession effective two (2) days after it has been served on the tenant. If the landlord seeks to rely on this Order the tenant must be served with the Order. If necessary this Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.***

### **Conclusion**

The tenant's application is dismissed.  
The landlord is given an Order of Possession.

**This Decision is final and binding on both parties.**

*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 08, 2017

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Residential Tenancy Branch