



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT

Introduction

This expedited hearing dealt with the tenant's application against the landlord under the *Residential Tenancy Act* (the Act) for an order of possession, pursuant to section 54.

Both parties were in attendance.

At the outset of the hearing the landlord testified she submitted an application against the tenant for an order of possession. This application is scheduled to be heard on January 06, 2020.

The tenant testified he has been living at the rental unit since November 2013, and he currently has the keys and can access his unit. The tenant testified that after filing this application against the landlord, he paid a security deposit of \$75.00 to the building custodian BG (resident of unit 201), and was given a set of keys to the rental unit and mail box on December 09, 2019.

The landlord did not dispute the testimony of the tenant.

Section 54 of the Act states:

Order of possession for the tenant

54 (1)A tenant who has entered into a tenancy agreement with a landlord may request an order of possession of the rental unit by making an application for dispute resolution.

(2)The director may grant an order of possession to a tenant under this section before or after the date on which the tenant is entitled to occupy the rental unit under the tenancy agreement, and the order is effective on the date specified by the director.

Since the tenant already has possession of the rental unit, the tenant no longer requires an order of possession.

Therefore, I dismiss the tenant's application.

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: December 30, 2019

Residential Tenancy Branch