



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPL, FF

### Introduction

The landlord applied for an order of possession based on a Two Month Notice to End Tenancy for Landlord's Use of Property under sections 49 and 55 of the *Residential Tenancy Act* ("Act"). The landlord also seeks \$100.00 under section 72 of the Act.

The landlord's agent attended the hearing on February 1, 2021, while the tenant did not. I am satisfied based on evidence provided that the tenant was served with the landlord's Notice of Dispute Resolution Proceeding package in compliance with Act and the Rules of Procedure. The agent gave evidence that the tenant, who has since vacated the property, was aware of this hearing and that he was going to call in.

### Preliminary Issue: Order of Possession

Given that the tenant has vacated the rental unit and the landlord has moved into the rental unit, the landlord's agent acknowledged that the landlord did not require an order of possession. Thus, I dismiss that aspect of the application without leave to reapply.

However, as the landlord did make an application for dispute resolution, and as the landlord's agent attended the hearing, which was scheduled for today, I grant the landlord a monetary order of \$100.00 as recompense for the application filing fee (section 72 of the Act).

Finally, as explained to the landlord's agent, a notice to end a tenancy is deemed to be received by a recipient under [section 90](#) of the Act, unless the recipient provides compelling evidence that they did not, in fact, receive a document. [Residential Tenancy Policy Guideline 12](#) sets out in detail how documents may be served, how documents are deemed received, and so forth. Pages 11 and 12 may be of particular interest to the parties.

Conclusion

I dismiss the landlord's application for an order of possession, without leave to reapply.

I grant the landlord's application for a monetary order of \$100.00.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: February 1, 2021

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Residential Tenancy Branch