



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Harron Investments Inc  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPL

### 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 Parties were each given full opportunity under oath 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 following are agreed or undisputed facts: the tenancy under written agreement started March 1, 2016. At the outset of the tenancy the Landlord collected \$430.00 as a security deposit. Rent of \$968.00 is payable on the first day of each month. The Landlord served the Tenant with a two month notice to end tenancy for landlord’s use dated March 28, 2021 (the “Notice”). The Notice sets out an effective date of May 31, 2021. The Notice sets out that the Landlord’s child will occupy the unit. On August 22, 2021 the Parties signed a mutual agreement to extend the effective date of the Notice to October 31, 2021. The Tenant did not dispute the Notice and makes no objection to the Landlord’s claim.

The Landlord does not expect that the Tenant will fail to move out of the unit on October 31, 2021 however the Landlord seeks an order of possession for certainty.

### Analysis

Section 55(2)(b) of the Act provides that a landlord may request an order of possession of a rental unit 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 agreed facts that the Tenant received the Notice, did not dispute the Notice and entered into a mutual agreement with the Landlord to extend the effective date of the Notice I find that the Landlord is entitled to an order of possession effective 1:00 p.m. on October 31, 2021.

### Conclusion

**I grant** an Order of Possession to the Landlord effective 1:00 p.m. on October 31, 2021. 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 27, 2021

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Residential Tenancy Branch