



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPT, FF

### **Introduction**

This hearing dealt with an application by the tenant for an order of possession of the rental unit and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The landlord testified that he received the tenant's evidence and served his evidence on the tenant by registered mail, on March 01, 2023, to the address on the tenant's application for dispute resolution. The landlord provided proof of service. The tenant stated that he had not received the package but added that he had moved to a different address which he had not provided to the landlord. The tenant is considered served with the landlord's evidence and this evidence was used in the making of this decision.

### **Issue to be Decided**

Is the tenant entitled to an order of possession? Did the landlord unlawfully lock the tenant out of the rental property?

### **Background and Evidence**

The tenancy started on July 01, 2016 and ended on October 05, 2023, pursuant to an order of possession granted to the landlord on September 08, 2022. The landlord filed a copy of the decision and order of possession.

The tenant alleges that he was wrongfully locked out by the landlord and has not had access to the rental unit for the past four months.

The landlord testified that the order of possession granted to him on September 08, 2022, was filed in the Supreme Court of British Columbia and enforced as an order of that Court. On October 05, 2022, a bailiff accompanied by the police evicted the tenant and removed his belongings which were placed in storage by the landlord.

### **Analysis**

Based on the testimony of both parties and the documents filed into evidence, I find that the tenant was lawfully evicted on October 05, 2022, and therefore his application for an order of possession is dismissed

Since the tenant is unsuccessful in his application, he must bear the cost of filing his own application.

### **Conclusion**

The tenant's application is dismissed in its entirety.

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 09, 2023

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Residential Tenancy Branch