



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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 started in 2015. Rent of \$700.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected a security deposit of \$325.00. On February 15, 2023 the Landlord gave the Tenant, in person, a two month notice to end tenancy for landlord’s use dated February 15, 2023 (the “Notice”). The Notice sets out an effective date of April 30, 2023. The Notice sets out that the Landlord or a close family member of the Landlord will occupy the unit but does not identify who will occupy the unit. The Landlord’s husband, the Witness, will occupy the unit.

The Parties agree to amend the Notice to set out that the Landlord’s spouse will occupy the unit. The Tenant has not disputed the Notice and will move out for the effective date of the Notice.

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. Given the undisputed evidence that the Tenant did not dispute the Notice I find that the Landlord is entitled to an order of possession for the effective date of the Notice.

Conclusion

I grant an Order of Possession to the Landlord effective 1:00 p.m. on April 30, 2023. 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: April 06, 2023

Residential Tenancy Branch