

Order of possession

A landlord may use the dispute resolution process to obtain an order of possession from the Residential Tenancies Office (RTO). An order of possession gives the landlord the right to repossess the rental unit and requires the tenant to move out. Before applying for an order of possession, the landlord must first serve the notice to end the tenancy to the tenant. The landlord may be required to prove that he or she served notice correctly.

When the tenant does not move out

A landlord cannot physically remove a tenant without an order for possession, even when the tenancy has ended. A landlord also cannot lock the tenant out, take the tenant's property or discontinue essential services (such as electricity or heat).

To have a tenant removed, the landlord must first get an order of possession from the RTO. The landlord must then serve the order of possession on the tenant. If the tenant does not leave by the date noted on the order, the landlord must file the order of possession with the Supreme Court to enforce the order.

Refusing an order of possession

The RTO may refuse to grant an order of possession in the following circumstances.

- When the landlord's notice to end the tenancy was a result of the tenant making a complaint to a government authority in relation to a violation of health, safety or housing.
- When the landlord's notice was a result of the tenant's attempt to enforce their legal rights.