



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to section 56 of the *Residential Tenancy Act* (the *Act*) for an early end of the tenancy and an Order of Possession.

Both parties were represented at the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The estate of the deceased tenant was represented by a family member.

The parties testified, confirming service. Based on the testimonies I find the parties served with the respective materials in accordance with sections 88 and 89 of the *Act*.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

This periodic tenancy began in December, 2019. The tenant passed away in July, 2020. No monthly rent has been paid since the death of the tenant. The representative of the respondent who attended the hearing is a family member who intends to apply for letters of administration of the estate of the tenant. The representative and the landlord have signed a Mutual Agreement to End the Tenancy dated September 3, 2020 providing that this tenancy ended on August 1, 2020. The parties agree that an Order of Possession in the landlord's favour is appropriate to ensure no unauthorized parties, occupy the rental unit.

Analysis

Section 44(1) of the Act provides the manners in which a tenancy may be ended. In the present case, I accept that the tenant has passed away and that the rental unit may be considered abandoned. I further accept that the landlord and the tenant's family member who is in the process of applying for letters of administration have entered a written agreement pursuant to subsection (1)(c) to end the tenancy.

Under the circumstances, as both parties agree that this tenancy has ended and that an Order of Possession in the landlord's favour to ensure no unauthorized occupants enter the rental unit is appropriate, I so order. Pursuant to section 44(1)(f) of the Act, I order that the tenancy is ended on August 1, 2020 and issue an Order of Possession in the landlord's favour. As the effective date of the end of tenancy has passed I issue an Order enforceable 2 days after service.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: October 5, 2020

Residential Tenancy Branch