



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Luxmore Realty  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes CNL, FFT, OPL, FFL

### Introduction

This hearing was set to deal with a Tenant's Application for Dispute Resolution to seek cancelation of a *Two Month Notice to End Tenancy for Landlord's Use of Property* ("2 Month Notice"). The hearing commenced on October 13, 2020 and an Interim Decision was issued on that date and should be read in conjunction with this decision.

At the reconvened hearing, neither the applicant nor the tenant named on the tenancy agreement (referred to by initials "LF") appeared, as I had ordered. Rather, legal counsel appeared and confirmed she represented both the applicant and LF.

The agent for the property management company appeared and the legal counsel for the owner of the property (referred to by initials "WL" for clarity) appeared.

Legal counsel for the applicant and LF stated the subject property has been vacated by her clients in keeping with a settlement agreement reached with WL. Accordingly, legal counsel requested withdrawal of this Application for Dispute Resolution.

The agent for the property management company stated he did not receive the keys for the property from the tenant or occupant; however, he also stated the agency relationship between the property management company and WL has ended.

I also heard unopposed submissions that title to the subject property was transferred to the new owner yesterday, December 21, 2020, with possession to be given to the new owner today.

Legal counsel for LF and the occupant stated she has been in communication with the conveyancer and the agent for the buyer and there will be no issue giving the new

owner possession of the subject property. Legal counsel stated she could obtain written confirmation if need be.

Legal counsel for WL confirmed that a settlement agreement between the parties was reached, at least in principle, although the wording of the agreement has not yet been settled and a written agreement has yet to be fully executed. Given the assurances of legal counsel for the applicant and LF, legal counsel for WL concurred that withdrawal of the Tenant's Application for Dispute Resolution is appropriate in the circumstances.

On another note, legal counsel for WL had also filed a Landlord's Application for Dispute Resolution seeking an Order of Possession for the subject property, which is set for hearing on January 7, 2021, and he requested withdrawal of that Application for Dispute Resolution (file number provided on the cover page of this decision). Legal counsel for LF and the occupant consented to the withdrawal request.

In light of the above, I have recorded withdrawal of both the Tenant's Application for Dispute Resolution and Landlord's Application for Dispute Resolution referenced in this decision and cancellation of the hearing set for January 7, 2021.

It is important to note that I have made no finding as to whether the applicant was a "tenant" of the subject property because it is unnecessary for me to do so since the remedies sought by the parties by way of their respective Applications for Dispute Resolution were withdrawn. Reference to the applicant as an occupant in this decision or the Interim Decision should not be construed as a finding by me that he was not a tenant.

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 13, 2020

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Residential Tenancy Branch