



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "**Act**") for an order of possession for the landlord's use of the rental unit pursuant to section 49.

Both sides were represented at the hearing.

Preliminary Issue – Deceased Tenant Named as Respondent

At the outset of the hearing, an individual acting for the tenant named "WD" advised me that the tenant was his father and that he had passed away in 2019. He stated that he is authorized to act on behalf of the estate, and that he and his family reside in the rental unit. The landlord confirmed this to be true.

Accordingly, I order that the application be amended so that the name of the respondent is "[WD], Personal Representative of the Estate of [the tenant], Deceased".

Preliminary Issue – Amendment of Rental Unit Address

The address of the rental unit on the application was listed as a street number only. The parties agreed that the rental unit was, in fact, the upper unit at that address. Accordingly, and with the consent of the parties, I order that the application is amended to include the designation "upper" before the street address of the rental unit.

Settlement

Pursuant to section 63 of the Act, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute:

1. WD and all other occupants of the rental unit will vacate the rental unit and provide the landlord with vacant possession of the rental unit on or before May 31, 2021 at 1:00 pm.

These particulars comprise the full and final settlement of all aspects of this dispute. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of this dispute between.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached order of possession which orders that WD and all other occupants provide vacant possession of the rental unit to the landlord by 1:00 pm on May 31, 2021

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 2, 2021

Residential Tenancy Branch