



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      OPC

### **Introduction**

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlords August 04, 2022 (the “Application”). The Landlords applied for an Order of Possession based on a One Month Notice to End Tenancy for Cause dated June 24, 2022 (the “Notice”).

The Landlord and Tenant appeared at the hearing. I explained the hearing process to the parties. I told the parties they are not allowed to record the hearing pursuant to the Rules of Procedure (the “Rules”). The parties provided affirmed testimony.

The Landlord submitted evidence prior to the hearing. The Tenant did not submit evidence. I confirmed service of the hearing package and Landlord’s evidence, and no issues arose.

The parties agreed on the following. There was a 30-year tenancy between the parties. The tenancy agreement was between the parties, as well as the Tenant’s spouse who has now passed away, and nobody else. While the Tenant was living in the rental unit, their step-daughter and step-daughter’s husband moved into the rental unit. The Tenant moved out of the rental unit pursuant to the Notice. The Tenant’s step-daughter and their husband did not move out of the rental unit and refuse to move out. The Tenant tried to get their step-daughter and step-daughter’s husband out of the rental unit but was unable to do so.

The Landlord testified that they have read the RTB Policy Guidelines about “occupants” and the Tenant’s step-daughter and their husband are occupants of the rental unit, are not tenants of the rental unit and have never been added to the tenancy agreement between the parties. The Landlord testified that they have never accepted rent from the

Tenant's step-daughter or their husband. The Tenant agreed their step-daughter and step daughter's husband are occupants of the rental unit, are not tenants of the rental unit and were never added to the tenancy agreement between the parties.

Both parties agreed the tenancy is over and the Landlord should be issued an Order of Possession for the rental unit.

Given the above, I explained the settlement option to the parties pursuant to section 63 of the *Residential Tenancy Act* (the "Act") which allows an arbitrator to assist the parties to settle the dispute. I explained that settlement discussions are voluntary. Both parties agreed to resolve this matter by way of a settlement agreement.

### **Settlement Agreement**

The Landlords and Tenant agree as follows:

1. The tenancy between the parties has ended and the Landlord is entitled to an Order of Possession for the rental unit.

This agreement is fully binding on the parties and is in full and final satisfaction of this dispute.

The Landlords are issued an Order of Possession effective two days after service on the Tenant. The Tenant agreed they could be served by email at the email address noted on the Application and front page of this decision. **The Order of Possession applies to the Tenant and all occupants, including the Tenant's step-daughter and step-daughter's husband.** The Tenant's step-daughter and step-daughter's husband are occupants of the rental unit and have no rights under the *Act*. The Tenant's step-daughter and step-daughter's husband were required to vacate the rental unit when the Tenant moved out and are still required to vacate the rental unit. The Tenant's step-daughter and step-daughter's husband do not have a right of possession to the rental unit and the Order of Possession applies to them.

The Landlords must serve the Order of Possession on the Tenant. If the Tenant and all occupants, including the Tenant's step-daughter and step-daughter's husband, do not vacate the rental unit in accordance with the Order of Possession, the Order can be enforced in the Supreme Court as an order of that Court.

**Conclusion**

The Application is resolved through the settlement agreement set out above.

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: January 09, 2023

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Residential Tenancy Branch