



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL

### Introduction

This hearing dealt with an Application for Dispute Resolution (the Application) that was filed by the former owners/former landlords (the Former Landlords) under the Residential Tenancy Act (the Act), seeking:

- An Order of Possession for the rental unit based on a mutual agreement to end tenancy and/or a Two Month Notice to End Tenancy for Landlords Use of Property (the Two Month Notice).

The hearing was convened by telephone conference call and was attended by the agent for the Former Landlords (the Agent), one of the current owners/current landlords (the Owner), the Tenant, and a witness for the Tenant. The parties agreed that the former agent for the Tenant, who no longer represents the Tenant, was properly served with the Notice of Dispute Resolution Proceeding Package, including a copy of the Application and Notice of Hearing, and that the Tenant was provided with these documents by their former agent for the purpose of attending the hearing on their own behalf. As a result, the hearing proceeded as scheduled. All testimony provided was affirmed.

### Preliminary Matters

#### Preliminary Matter #1

At the outset of the hearing it became apparent that the Applicants, who are the former owners/former landlords of the property, no longer own the property, which was purchased by the current owners/current landlords (the Owners) who took legal possession as of October 3, 2020. The Agent stated that as ownership of the property changed between the date on which the Application was filed and the date of the

hearing, the Applicants are therefore acting on behalf of the Owners with regards to the Application and gaining possession of the rental unit from the Tenant, as this was a requirement of the Contract of Purchase and Sale.

A portion of the Contract of Purchase and Sale was provided for my review and consideration, which contained the names of the previous owners (the Applicants) and the names of the purchasers (the Owners), as well as the conditions for the sale of the property. The conditions included the issuance of the Two Month Notice as the purchases intended to reside in the entire home.

One of the Owners called into the hearing and confirmed that the Applicants are acting on their behalf as their agents with regards to the Application and obtaining possession of the rental unit for them as a result of the Two Month Notice.

Based on the documentary evidence and affirmed testimony before me, I am satisfied that the Applicants are authorized agents for the Owners and are acting on their behalf. However, as ownership of the property was transferred from the Applicants to the Owners on October 3, 2020, any Order of Possession granted will name the Owners.

### Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised on several occasions during the hearing that there is no obligation to resolve the dispute through settlement, but that pursuant to section 63 of the Act, I could assist the parties to reach an agreement, which would be documented in my Decision and supporting order.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree that the tenancy will end on November 2, 2020 at 6:00 P.M.
2. The Tenant agrees to vacate the rental unit as soon as possible and not later than 6:00 P.M. on November 2, 2020.
3. The Former Landlords H.B. and P.B., who are the Applicants and agents for the Owners, agree to pay the Tenant \$800.00 on or before 6:00 P.M. on November 2, 2020.
4. The parties agree that no rent is currently owed by the Tenant to either the Owners or the Former Landlords and that if the Tenant vacates the rental property as agreed by 6:00 P.M. on November 2, 2020, no further rent will be owed.

5. The rights and obligations of the parties under the Act continue until the tenancy ends in accordance with this agreement;

This settlement agreement was reached in accordance with section 63 of the Act.

### Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

In support of the settlement described above, and with the agreement of the parties, I grant the Owners, or their authorised agents, an Order of Possession for the rental unit effective 6:00 P.M. on November 2, 2020. This Order of Possession must be served on the Tenant as soon as possible. Should the Tenant fail to comply with this Order, this Order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

In support of the settlement described above, and with the agreement of the parties, I grant the Tenant a Monetary Order in the amount of \$800.00. This Order must be served on the Agent for the Former Landlords as soon as possible. Should the Former Landlords fail to comply with this Order, this Order may be filed in the British Columbia Small Claims Court and enforced as an order of that Court. The Agent's address for service has been recorded on the cover page of this decision.

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 23, 2020

---

Residential Tenancy Branch