



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WESTURBAN PROPERTIES MANAGEMENT LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      **PFR**

### **Introduction**

This hearing was convened as a result of the Landlord's Application for Dispute Resolution, made on June 7, 2022 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession pursuant to section 49.2(1) of the Act, which states:

#### **Director's orders: renovations or repairs**

**49.2** (1) Subject to section 51.4 [*tenant's compensation: section 49.2 order*], a landlord may make an application for dispute resolution requesting an order ending a tenancy, and an order granting the landlord possession of the rental unit, if all of the following apply:

- (a) the landlord intends in good faith to renovate or repair the rental unit and has all the necessary permits and approvals required by law to carry out the renovations or repairs;
- (b) the renovations or repairs require the rental unit to be vacant;
- (c) the renovations or repairs are necessary to prolong or sustain the use of the rental unit or the building in which the rental unit is located;
- (d) the only reasonable way to achieve the necessary vacancy is to end the tenancy agreement.

A preconference hearing was held on November 21, 2022 and was adjourned to allow the Landlord an opportunity to re-serve copies of both the Notice of Dispute Resolution

Proceeding and this Interim Decision, to the Tenants and provide proof of such service to the Residential Tenancy Branch. The preconference hearing was reconvened on December 8, 2022 and was attended by the Landlord's Counsel, the Landlord's Representative and Tenants belonging to 10 units at the rental property.

The substantive hearing was set for April 20, 2022 and was attended by the Landlord's Counsel, Representative, and Tenants belonging to 6 units at the rental property. At the start of the hearing, the Landlord's Counsel stated that the Landlord wishes to withdraw their Application in its entirety. After some clarification during the hearing, none of the Tenants who attended the hearing objected to the Landlord's withdrawal.

### Preliminary Matters

Withdrawing an application after the hearing has begun and is adjourned Where a participatory hearing (a hearing that is scheduled to take place in person, by telephone or by videoconference) has begun but is adjourned by an arbitrator for continuation at a later date, a party seeking to withdraw that application must provide evidence of the other party's consent to the withdrawal and that the parties have resolved all matters at issue in the application through a written agreement, such that continuation of the hearing is no longer necessary. Although the arbitrator will issue a final decision in the matter under Rule 8.7 [Original decision], no orders reflecting the terms of the settlement will be issued under Rule 8.4 [Decision and orders based on settlement].  
Required documents: • the other party's written consent to the withdrawal • the written agreement signed by both parties, setting out the parties' agreed resolutions to each of the matters at issue in the application

As there were no objections relating to the withdrawal of the Landlord's Application, the Application was withdrawn accordingly.

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: April 20, 2023

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Residential Tenancy Branch