

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: *CNC, OLC, FF*

Introduction.

This hearing dealt with an application by the tenant, pursuant to the *Manufactured Home Park Tenancy Act*. The landlord served the tenant with a one month notice to end tenancy for cause. The tenant applied for an order to set aside the notice to end tenancy, an order for the landlord to comply with the Act and for a monetary order to recover the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy? Is the tenant entitled to the filing fee?

Background and Evidence

The tenancy started on or about June 1999. In October 2008, the tenant's mother moved into the trailer temporarily, while she looked to purchase her own accommodation. After living with the tenant for one month and looking for a place to live, they came to a conclusion that it would be in both their best interests, if the tenant's mother purchased the tenant's trailer.

The tenant stated that he spoke with the property manager and followed the process as outlined by her. The tenant's mother applied to rent the pad after the sale of the trailer. The application was rejected as being incomplete and after the sale, and the Park served the tenant with a notice to end tenancy for cause. The reasons for the notice to end tenancy were that the tenant had breached a material term of the contract and had sublet his rental unit. The notice was served on the tenant on June 01, 2009 and the tenant applied to dispute the notice on June 09, 2009.

The property manager stated that he was newly hired and was not fully informed of

what went on with regard to the tenant's sale of the trailer, his mother's application for tenancy and the subsequent notice to end tenancy. The manager agreed to cancel the notice to end tenancy and allow the tenancy to continue, subject to some conditions.

Analysis

Pursuant to Section 56 of the *Manufactured home Park Tenancy Act*, the dispute resolution officer may assist the parties 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 this hearing, the parties confirmed that they had reached an agreement to settle these matters. The landlord agreed to cancel the notice to end tenancy, withdraw his request for an order of possession and allow the tenancy to continue, on the following conditions:

1. The tenant agrees to provide the landlord with proof of sale of the trailer, to his mother.
2. The tenant agrees to have his mother make application for tenancy.
3. The parties agree to exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive landlord – tenant relationship.

Conclusion

The landlord's Notice to End dated June 01, 2009 is set aside and is of no effect. The tenancy will continue as per the terms of the above agreement. As the parties were able to settle the matter, I decline to award the tenant the recovery of the filing fee for the cost of this application. As no further action is required on this file, this file is closed.

Dated July 13, 2009.

Dispute Resolution Officer