

## **Decision**

**Dispute Codes:** CNC, FF

### **Introduction**

This hearing dealt with the tenant's application to cancel the landlord's 1 month notice to end tenancy for cause, and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

### **Issues to be decided**

- Whether the tenant is entitled to either or both of the above under the Act

### **Background and Evidence**

This tenancy involves the rental of a manufactured home site. Pursuant to a written tenancy agreement, the month-to-month tenancy began on December 1, 2008, with rent in the amount of \$456.00 payable each month.

The landlord issued a 1 month notice to end tenancy for cause dated September 3, 2009. The tenant filed to dispute the notice within 10 days after receipt of the notice.

During the hearing the parties exchanged views on the circumstances surrounding the dispute and undertook to achieve a resolution. Included in the discussion was reference to a settlement reached between this landlord and the tenant's brother by way of hearing and decision dated October 27, 2009.

### **Analysis**

Section 56 of the Act provides that the parties may undertake to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the tenant will advertise her manufactured home for sale by no later than April 15, 2010 or, in the alternative, the tenant will move into the manufactured home by no later than this same date;
- that the landlord will not take steps to obtain an order of possession of the manufactured home site provided the tenant is attempting to sell her manufactured home or moves into it herself, as above, and continues to pay the site rent and maintain the manufactured home;
- that this agreement is without prejudice to the right of the landlord to serve a new notice to end tenancy on the tenant if the tenant fails to pay the rent or if there is sufficient cause which occurs after the date of this hearing;
- that the notice to end tenancy dated September 3, 2009 is cancelled.

The full text of the legislation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

### **Conclusion**

Pursuant to all of the above, I hereby cancel the landlord's notice to end tenancy for cause.

I hereby dismiss the tenant's application for recovery of the filing fee.

DATE: November 3, 2009

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Dispute Resolution Officer