



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNDC, OLC, RP, RPP, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenants have made application for, a monetary Order for damage or loss under the Act, an order that the landlord comply with the Act, that the landlord make repairs to the unit, site or property and provide service or facilities required by law and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution.

Both parties were present at this face-to-face hearing. At the start of the hearing I introduced myself, the Application for Dispute Resolution was reviewed, the hearing process was explained to the parties and the parties were provided an opportunity to ask questions in relation to the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present oral testimony, to cross-examine the other party, and to make submissions during the hearing.

Preliminary Matter

The tenant's evidence contained a submission that an "inquiry" into past rent increases be completed as part of this Application. The tenants did not apply to dispute an additional rent increase. During the hearing the landlord did review his submission in relation to the past rent increases and the proportional amounts included in those increases.

Settled Agreement

During the hearing the parties reached a settled agreement. The tenants acknowledged receipt of \$600.00 plus \$308.00 previously paid by the landlord. During the hearing the tenants indicated that they would be satisfied with a final payment by the landlord in the sum of \$67.00.

The landlord agreed that a cheque in the sum of \$67.00 would be immediately issued to the tenants, in satisfaction of the tenant's claims contained in the Application.

General Discussion

During this hearing a number of issues were discussed; ranging from allowable rent increases, access to the tenant's pad rental site by the landlord or his agents and issues related to quiet enjoyment. I referenced a number of sections of the Act, including:

- Section 22 – Protection of a tenant's right to quiet enjoyment;
- Section 23 – Landlord's right to enter the manufactured home site;
- Section 26 – Landlord obligation to maintain the park in a reasonable state of repair that complies with housing, health and safety standards;
- Section 27 – Emergency repairs
- Sections 35 & 36 – referencing rent increases; and
- Section 39 – Notice for non-payment of rent.

During the hearing the landlord explained continuing Park improvements that have been on-going since 2005, as the result of required upgrades. The landlord reviewed the pad rental site dimensions and the areas around the site that are not part of the rental site, but form right-of way required for access to Park services. A map of the site plan was included in the landlord's evidence.

The tenants expressed a desire for notice when entry to their pad rental site was required and for updates on the service improvements and work schedules that are to be completed in the Park. The parties were reminded that they may enter into a mutual agreement for entry on the pad site, as provided by section 23(a) of the Act.

Conclusion

This Application has been settled by mutual agreement. The landlord will immediately issue the tenant's a cheque in the sum of \$67.00 in satisfaction of the claims contained in this Application.

I find that this settled agreement concludes the dispute initiated by the tenant's for all matters contained in the tenant's Application.

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 16, 2010.

Dispute Resolution Officer