



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC and FF

Introduction

This hearing was convened in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied to set aside a Notice to End Tenancy for Cause and to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing.

Issue(s) to be Decided

The issues to be decided are whether the Notice to End Tenancy for Cause, served pursuant to section 40 of the *Manufactured Home Park Tenancy Act (Act)*, should be set aside and whether the Tenants are entitled to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Background and Evidence

At the outset of the hearing the Tenant stated that there is an offer to purchase the rental unit, which closes on December 01, 2010, and that the offer to purchase is still subject to a home inspection and acceptance of the purchasers as tenants in the manufactured home park.

The Agents for the Landlord and the Tenants mutually agreed to settle this dispute under the following terms:

- The Landlord will withdraw the Notice to End Tenancy that was served pursuant to section 40 of the *Act*
- The Tenants will withdraw their Application for Dispute Resolution
- The Tenants can no longer occupy the manufactured home after December 01, 2010 even if their manufactured home is not sold by that date
- The manufactured home may remain on the site after December 01, 2010 even if their manufactured home is not sold by that date, providing the Tenants continue to pay the rent for the site
- The Landlord will not unreasonably withhold consent to enter into a tenancy agreement prospective purchasers

- The Tenants will remove all woodworking equipment from the site by the afternoon of September 26, 2010.

Conclusion

This matter has been resolved by mutual consent on the basis of the aforementioned terms.

Dated: September 23, 2010.

Dispute Resolution Officer