

DECISION

Dispute Codes: OPR, MNR

Introduction

This hearing dealt with an application by the landlord pursuant to the *Manufactured Home Park Tenancy Act*. The landlord applied for an order of possession pursuant to section 48 and for a monetary order for unpaid rent and loss of income pursuant to section 60. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

At the start of the hearing, the landlord informed me that he had gained possession of the dispute rental lot. Therefore his application for an order of possession was no longer necessary. Accordingly, this hearing only dealt with the landlord's application for a monetary order for unpaid rent and loss of income.

Issues to be decided

Is the landlord entitled to a monetary order?

Background and Evidence

The landlord testified that the tenancy started April 01, 2010 when the parties entered into a written tenancy agreement for a fixed term of one year. The monthly pad rent is \$395.00. For reasons unrelated to this dispute, the tenant did not move in. On July 27, 2010 he served the landlord with a one month notice to end the tenancy.

The tenant agreed that he did not pay rent on August 01, 2010 and on August 05; the landlord served the tenant with a ten day notice to end the tenancy.

The landlord stated that he advertised the availability of the unit on the internet and on site but was unsuccessful in finding a tenant.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

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 hearing, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The tenant agreed to pay the landlord, rent for August and September in the amount of \$790.00.
2. The landlord agreed to accept \$790.00 from the tenant as rent for August and September.

The parties agreed that the tenant will continue to pay rent until the landlord has found a tenant to take over the balance of the fixed term.

Conclusion

Pursuant to the above agreement, I grant the landlord a monetary order under section 60 of the *Manufactured Home Park Tenancy Act* for the amount of **\$790.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: October 05, 2010.

Dispute Resolution Officer