

INTERIM DECISION

Dispute Codes: CNC

Introduction

This matter was originally heard on October 5, 2010 and was adjourned to the present reconvening as the hearing time had expired and the parties had been exploring a promising settlement agreement.

When the hearing reconvened, the tenants noted an error in the address of the rental unit on my Interim Decision of October 12, 2010. Section 71 of the *Act* provides that the director's delegate may, at the delegate's own initiative correct an obvious error. Accordingly, this Interim Decision and that of October 12, 2010 are corrected to the dispute address stated on the tenants' application.

As the application in question was brought by the tenants seeking to have set aside a Notice to End to Tenancy for cause, counsel for the landlord requested an Order of Possession under section 48(1) of the *Act* if the Notice was upheld.

Once again, the hearing ran over the allotted time as the parties worked toward their expressed desire to find a resolution to this matter.

To briefly review, the tenancy is a manufactured home park site and the tenants have vacated and promise that they have no intention to resume residence in the manufactured home.

They stated their intention to list it for sale on the weekend following the hearing and to pursue renovation work to enhance the saleability of the unit.

To accommodate that circumstance, the landlord had offered to enter into a 12-month licence agreement with a three month renewal to permit the tenants reasonable time for the renovation and sale.

Once again, the hearing ran over the allotted hour and was adjourned to a date and time set out in the attached Notice of Hearing. I have requested that two hours be scheduled and anticipate that most of that time will be devoted to hearing evidence on the merits of the Notice to End Tenancy and that a decision will result.

Counsel for the landlord had canvassed the evidence held by the parties and it was discovered that a 47-page submission from the landlord was not in the hands of the Dispute Resolution Officer and did not appear in the Branch data base system. While he had stated that most of the material was duplicated in the tenants' evidence and he was willing to proceed, he said he would provide the package again when it became apparent the hearing was to be adjourned.

November 12, 2010