



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, O, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord and the tenant.

At the outset of the hearing the tenant requested that she be able to record the hearing by putting her phone on speaker and recording it from her home. I reviewed Rule 9 of the Residential Tenancy Branch (RTB) Rules of Procedure that stipulate that no private recordings are allowed but that if a party wants an official recording they can request one from the RTB, in writing, at least 2 business days prior to the hearing. As the tenant was requesting only a private recording, I dismissed her request.

Although the parties reached a settlement on the matters before me, the tenant wanted to provide further testimony regarding other issues during the tenancy. As the matter was resolved by way of the settlement agreement, I found no relevance to any testimony and declined to hear any further testimony from the tenant.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for breaching an agreement; and to a monetary order to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 37, 48, 60, and 65 of the *Manufactured Home Park Tenancy Act (Act)*.

Background and Evidence

During the hearing the parties came to the following settlement agreement:

1. The landlord agrees to withdraw this application; and

2. The tenant agrees to vacate and remove her manufactured home from the site no later than October 31, 2011.

Conclusion

In support of this settlement agreement I grant the landlord an order of possession effective **October 31, 2011 after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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 *Manufactured Home Park Tenancy Act*.

Dated: September 13, 2011.

Residential Tenancy Branch