

Decision

Dispute Codes: OPC

Introduction

This hearing was convened in response to the landlord's application for an order of possession. Both parties participated in the hearing and gave affirmed testimony.

Issue to be decided

- Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began in September 1997. Currently, monthly pad rent of \$261.00 is payable in advance on the first day of each month. Arising from the tenant's repeatedly late payment of rent, the landlord issued a 1 month notice to end tenancy for cause dated August 2, 2011. A copy of the notice was submitted in evidence. The reason shown on the notice for its issuance is as follows:

Tenant is repeatedly late paying rent.

Subsequently, the tenant filed an application to have the notice set aside and a hearing was convened on September 20, 2011. By decision of the same date, the dispute resolution officer dismissed the tenant's application and found the landlord's 1 month notice to be in "full effect and force." However, the decision does not record that the landlord made an oral request for an order of possession during that hearing. In the result, the landlord's present application for an order of possession arises out of the previous proceeding. During the hearing the parties confirmed that have since reached a settlement of the dispute.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 56 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision the parties agreed as follows:

- that the tenant will vacate the site by no later than Tuesday, July 31, 2012, and that an order of possession will be issued in favour of the landlord to that effect;
- that, in the meantime, the landlord will continue to accept monthly pad rent from the tenant for use and occupancy only.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Tuesday, July 31, 2012**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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 *Manufactured Home Park Tenancy Act*.

DATE: November 17, 2011

Residential Tenancy Branch