

## **INTERIM DECISION**

### **Dispute Codes:**

OLC; ERP; PSF; LRE; AAT

### **Introduction**

This matter was scheduled to hear the Tenant's application under Sections 24, 55(3), and 63 of the Manufactured Home Park Tenancy Act (the "Act") for Orders: that the Landlord comply with the Act, regulation or tenancy agreement; that the Landlord make emergency repairs to the unit, site or property; that the Landlord provide services or facilities required by law; suspending or setting conditions on the Landlord's right to enter the rental unit; and allowing the Tenant access to or from the unit or site for the Tenant or the Tenant's guests.

The parties gave affirmed testimony at the Hearing.

It was established that the Tenant provided the Landlord with the Notice of Hearing documents and copies of his documentary evidence and that the Landlord provided the Tenant with copies of his documentary evidence.

### **Preliminary Matters**

At the outset of the Hearing, counsel for the Landlord submitted that it may be appropriate under the circumstances that I exercise my authority under Section 56 of the Act. The Tenant agreed. Section 56 of the Act states:

### **Opportunity to settle dispute**

- 56** (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

During the course of the Hearing, the parties reached the following agreement:

1. The Landlord will be opening up the area around and under the oil tank to prepare it for inspection by a professional. This is expected to take place at some time on December 12, 2011. The Landlord will provide the Tenant with due

Notice to access the rental property for this purpose, including the time of day that the Landlord's agent will be exercising access.

2. On December 13, 2011, a professional oil tank inspector will access the rental property to check the Tenant's oil tank and lines for leaks.
3. The Landlord will pay for the cost of clearing the area around the oil tank and for the cost of the professional's report.
4. The Landlord will provide the Tenant with a copy of the professional's report.

It became clear that the parties were not going to finish settlement discussions during the time allotted for the Hearing. The parties agreed that it would be beneficial to reconvene face-to-face. I advised them that they would receive this Interim Decision and a Notice of Reconvened Hearing ("Notice") in due course.

A copy of a Notice is enclosed with this Interim Decision. The Tenant is not required to serve the Landlord with the Notice.

This matter will reconvene face-to-face on December 20, 2011, at 1:30 p.m. at the address noted on the enclosed Notice.

### **Conclusion**

This matter is adjourned to a face-to-face Hearing on December 20, 2011, at 1:30 p.m.

This interim 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: December 07, 2011.

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Residential Tenancy Branch