



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, O

Introduction

This hearing was scheduled to deal with a tenants' application for Orders for the landlord to comply with the Act, regulation, or tenancy agreement and other issues. Both parties appeared at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary and Procedural Matters

By mutual consent the application was amended to identify the landlord by its corporate name.

At the commencement of the hearing, I noted that neither party had provided me with a copy of the tenancy agreement or Park Rules despite the application for Orders for compliance. As a result, I assisted the parties in reaching a mutual agreement to resolve this dispute.

Issue(s) to be Decided

What are the terms agreed upon by the parties?

Background and Evidence

It was undisputed that the tenants rent a site in a 55+ section of the manufactured home park and the tenants' 14 year old grandson has been living with them since July 2011, without obtaining the landlord's consent.

It was undisputed that on January 10, 2012 the landlord issued the tenants a letter referring the tenants to section 28 of the park rules and requiring the tenants to have their grandson leave their site by January 20, 2012.

After both parties had an opportunity to express their respective positions, the parties agreed to the following resolution:

1. The tenants shall seek the park committee's recommendation or decision with respect to permitting their grandson to occupy the rental site until the end of the school year; and,
2. The landlord shall abide by the park committee's decision or recommendation.

Analysis

A party that makes an Application for Dispute Resolution bears the burden to provide sufficient particulars and evidence in support of their application. In the absence of a copy of the tenancy agreement or the park rules, I find I cannot determine whether the landlord has violated the tenancy agreement or the park rules. Nor do I have sufficient particulars or evidence to make a finding as to whether the park rule(s) that pertain to age restrictions are enforceable under the Act or Regulations.

Despite the aforementioned, pursuant to the authority afforded to me under section 56 of the Act [*Opportunity to settle dispute*], I have accepted and recorded the mutual agreement reached between the parties during the hearing as I am satisfied that it is consistent with section 33 of the Act. Section 33 of the Act provides:

Park committee role in dispute resolution

- 33** Subject to the regulations, the park committee for a manufactured home park may assist the landlord and a tenant of the park to reach a voluntary resolution of a dispute between them.

Conclusion

This dispute has been resolved by a mutual agreement that the tenants seek the park committee's assistance to resolve this dispute. The parties are at liberty to make another Application for Dispute Resolution should the parties require additional dispute resolution services after seeking the assistance of the park committee.

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: February 09, 2012.

Residential Tenancy Branch