



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes MT, CNR, MNSD

### Introduction

This matter proceeded by way of a conference call hearing and dealt with the Tenant's Application for dispute resolution. The Tenant requested more time to make an application to cancel a Notice, that a Notice to End Tenancy for unpaid rent be cancelled, and that deposits paid be returned.

Both parties attended the hearing, gave affirmed testimony and were provided the opportunity to present evidence orally and in written and documentary form, and make submissions to me.

### Preliminary Matter(s)

The Tenant indicated on her application that she was residing in an "RV park" and that she is making an application under the Manufactured Home Park Tenancy Act for dispute resolution. The Tenant submitted a copy of a residential tenancy agreement into evidence. The parties agreed at the hearing that the Tenant rents a manufactured home from the Landlord and that the tenancy is covered under the Residential Tenancy Act. As a result, I find that it is appropriate to amend the Tenant's application to state that it is an application made under the Residential Tenancy Act, (the "Act").

The Landlord attended the hearing and requested unpaid rent and utilities be paid by the Tenant. The Landlord did not submit any evidence prior to the hearing and did not submit an application for dispute resolution. As a result, I declined the Landlord's request. The Landlord is at liberty to apply for dispute resolution.

The Tenant has not moved out of the rental unit at this time. The Tenant requested leave to reapply for return of deposits. I find that it is appropriate to grant the Tenant's request and I allow her liberty to reapply for deposits paid.

Settlement Agreement

During the course of the hearing, the parties reached an agreement, pursuant to section 63 of the Act, to settle the end of tenancy issue raised in the Tenant's Application. The parties agreed to the following conditions:

1. The Tenant agrees to vacate the rental unit on or before March 31, 2012 and end the tenancy.
2. If the Tenant fails to vacate the rental unit by March 31, 2012 the Landlord may apply for an order of possession for the rental unit to be effective immediately.

The Tenant's claim for return of deposits paid is dismissed with liberty to reapply.

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: March 23, 2012.

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Residential Tenancy Branch