



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, FF

Introduction.

This hearing dealt with an application by the tenant, pursuant to the *Manufactured Home Park Tenancy Act*. The tenant applied for a monetary order for compensation and for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the tenant entitled to compensation for the loss of his mobile home after a flood caused by a sewer back up? Is the tenant entitled to the filing fee?

Background and Evidence

The tenant moved his trailer onto the landlord's property in July 2009. In December 2011 a flood occurred in the trailer. The events that followed were discussed in detail and during this discussion both parties turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 56 of the *Manufactured home Park Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties confirmed that they had reached an agreement to settle these matters on the following terms:

1. The tenant agreed to move the trailer out on or before 1:00 p.m. on January 31, 2013.
2. The landlord agreed to allow the tenant to keep his trailer on the property until January 31, 2012. An order of possession will be granted to the landlord effective this date.
3. The landlord agreed to pay the tenant \$5,000.00 in full and final settlement of all claims against the tenant.
4. The tenant agreed to accept \$5,000.00 in full and final settlement of all claims against the landlord. A monetary order will be granted to the tenant for this amount.
5. The parties stated that that they understood and agreed that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties.
6. The parties agree to exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive end to this landlord – tenant relationship.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 p.m. on January 31, 2013**. I grant the tenant a monetary order in the amount of **\$5,000.00**.

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: November 30, 2012.

Residential Tenancy Branch

