



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THE CEDARS MOBILE HOME PARK (2006) LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on January 31, 2013 by the Landlord to obtain an Order of Possession for unpaid rent and a Monetary Order for unpaid rent and to recover the cost of the filing fee from the Tenants for this application.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

- 1) When did the named respondents become Tenants?
- 2) Have the parties agreed to settle these matters?

Background and Evidence

The following facts were not in dispute:

- 1) The manufactured home park has changed ownership several times over the past few years.

- 2) The current Tenants of pad # 19 purchased the manufactured home in the spring of 2007 from the deceased tenant's sister.
- 3) The current owner purchased the park in December 2011.
- 4) Rent is payable on the first of each month in the amount of \$323.00.

During the course of these proceedings the parties agreed to settle these matters.

Analysis

Based on the submissions during the course of this proceeding I find the occupants of pad # 19 are and have been Tenants, as defined under the *Manufactured Home Park Tenancy Act*, since the spring of 2007. As per their verbal tenancy agreement rent is payable on the first of each month in the amount of \$323.00.

During the course of these proceedings the parties agreed to settle these matters on the following terms:

- 1) The Landlord agrees to withdraw his application for dispute resolution in favour of this settlement agreement; and
- 2) The Tenants agree to pay the Landlord a money order for the rental arrears plus March 1, 2013 rent for a total amount of **\$1,142.00**, no later than March 1, 2013 at 5:00 p.m.; and
- 3) The Tenants agree to call the park manager when the money order is available for pick up; and
- 4) From here on in the Tenants agree to pay their rent on the first of each month in accordance with the tenancy agreement; and
- 5) In the event the Tenants do not uphold the above terms the Landlord will be at liberty to serve the Tenants the enclosed Order of Possession and Monetary Order.

Conclusion

The Landlord has been issued an Order of Possession effective **Two (2) Days upon service**. This Order is to be served upon the Tenants if they do not uphold the terms of the settlement agreement as listed above. If the Tenants uphold the terms of the settlement agreement, as listed above, then the Order of Possession becomes void and is of no force or effect.

The Landlord has been issued a Monetary Order in the amount of **\$1,142.00** to be served upon the Tenants if they do not uphold the terms of the settlement agreement as

listed above. If the Tenants pay the rent as required in # (2) above, then the Monetary Order is void and is of no force or effect.

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*.

Dated: February 28, 2013

Residential Tenancy Branch

