



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Parkbridge Lifestyle Communities Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was convened as a result of an Application for Review Consideration regarding a settlement agreement between the parties. The settlement agreement included the provision of an order of possession to be served only if the tenant had breached the settlement agreement. The landlord served the order of possession and the tenant sought a review hearing as he submits that he had not breached the settlement agreement.

The Review Consideration decision granted the application to reconvene the original hearing and ordered that I was only to determine whether the tenant had violated the settlement agreement. That decision also suspended the enforceability of the order of possession until such time as the reconvened hearing had concluded.

The hearing was conducted via teleconference and was attended by the tenant; the landlord; and the landlord's agent.

Issue(s) to be Decided

The issue to be decided is whether the tenant has breached or violated the settlement agreement made between the parties in a hearing conducted on February 25, 2013.

Background and Evidence

At the outset of the reconvened hearing the landlord's agent testified that upon review of the evidence and statements of the landlord's witnesses the landlord acknowledges that they have insufficient evidence to establish the tenant has breached the settlement agreement.

The landlord wishes to continue the tenancy under the current tenancy agreement and settlement agreement and recall the order of possession that was granted on February 25, 2013 and served to the tenant on April 22, 2013. The landlord requests that the order of possession be reissued with a current date added to avoid confusion should they need to enforce the order.

The tenant agrees with continuing the terms of the settlement agreement until the end of that agreement which would be August 25, 2013, but asks that a replacement order not be provided to the landlord.

Analysis

Section 82 of the *Residential Tenancy Act (Act)* states that unless a review consideration is dismissed or refused the director must review the decision or order and may do so by reconvening the original hearing and that following that review the director may confirm, vary or set aside the original decision or order.

Based on the testimony of both parties I accept that the landlord does not have sufficient evidence to establish the tenant breached the settlement agreement reached on February 25, 2013. As the scope of this hearing was solely to determine if the tenant had breached the settlement agreement, I find no reason to vary or set aside the original decision or order, including the provision of a new order.

Conclusion

I confirm the original order is enforceable, should the tenant breach any of the terms set out in the settlement agreement dated February 25, 2013.

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: June 10, 2013

Residential Tenancy Branch