



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, FF

Introduction

This hearing was scheduled in response to the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The tenant resided in the manufactured home park beginning sometime in 2007. At that time he paid property taxes but did not pay rent. Ownership of the manufactured home later changed, and in early 2012 the tenant began paying pad rent in the amount of \$350.00 per month. There is no written tenancy agreement in evidence.

Pursuant to section 42 of the Act which speaks to **Landlord's notice: landlord's use of property**, the landlord issued a 12 month notice to end tenancy dated July 31, 2011. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is August 1, 2012. The reason shown on the notice in support of its issuance is as follows:

The landlord has all the necessary permits and approvals required by law and intends in good faith, to convert all or a significant part of the manufactured home park to a non-residential use or a residential use other than a manufactured home park.

Prior to receiving the notice, the tenant had paid rent for August 2011. Subsequently, without providing formal written notice the tenant vacated the manufactured home park by May 31, 2012. The tenant seeks reimbursement of rent paid for August 2011, in addition to payment of \$700.00, which reflects the equivalent of rent for June and July

2012 (\$350.00 x 2). The tenant's application arises, in part, out of the provisions set out in section 44 of the Act which addresses **Tenant's compensation: section 42 notice**.

During the hearing the parties undertook to settle their dispute.

Analysis

Section 56 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion led to a resolution and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the landlord will pay the tenant **\$350.00**;
- that the above payment will be made by **cheque**;
- that the cheque will be put into the mail by no later than **midnight, Friday, August 30, 2013**;
- that the mail will be addressed to the tenant at the **address provided by the tenant** in his application for dispute resolution;
- that the above particulars comprise **full and final settlement** of all aspects of the dispute which arise out of this tenancy for both parties.

Conclusion

Pursuant to the settlement achieved by the parties during the hearing, the landlord is hereby ORDERED to pay the tenant \$350.00 as full and final settlement of the dispute.

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: August 29, 2013

Residential Tenancy Branch

