



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Langley Quarter Midget Association
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant under the *Residential Tenancy Act* for an order cancelling a notice to end tenancy that was issued under the *Residential Tenancy Act*.

One of the tenants attended the hearing acting on behalf of herself and the other tenant. An agent for the Association landlord also attended and called two witnesses. The tenant also gave affirmed testimony.

During the course of the hearing it was determined that the landlord who issued the notice to end tenancy is not a landlord under the *Residential Tenancy Act*, and therefore has no authority to issue a notice to end tenancy under that *Act*. The parties agree that the tenants reside in a manufactured home that is situated on property leased from the local Township by the named landlord, and that the manufactured home is not owned by the landlord. Therefore, I find that the *Act* that applies is the *Manufactured Home Park Tenancy Act*, and the application is amended accordingly.

Further, during the course of the hearing, the parties agreed to settle this dispute on the following conditions:

1. The tenant will cause the manufactured home to be removed from the rental site and will vacate the rental site on or before January 31, 2015 at 1:00 p.m.;
2. The landlord will have vacant possession, and I grant an Order of Possession effective that date and time;
3. The tenant will obtain insurance for the manufactured and provide proof of same to the landlord by 9:00 p.m. on Monday, March 31, 2014;
4. If the tenant fails to provide proof of insurance to the landlord, the landlord will be at liberty to issue a notice to end tenancy.

Conclusion

For the reasons set out above, I hereby grant an Order of Possession of the rental site in favour of the landlord effective January 31, 2015 at 1:00 p.m.

I further order the tenant to provide proof of insurance of the manufactured home to the landlord by March 31, 2014 at 9:00 p.m.

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: March 28, 2014

Residential Tenancy Branch

