



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding EK Smith Construction Company Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RP, PSF, AS, FF, O

Introduction

This hearing dealt with the Applicants' application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- an order to the landlord to make repairs to the rental unit pursuant to section 27;
- an order to the landlord to provide services or facilities required by law pursuant to section 58;
- an order allowing the tenant to assign or sublet because the landlord's permission has been unreasonably withheld pursuant to section 58;
- authorization to recover the filing fee for this application from the landlord pursuant to section 65; and
- other unspecified remedies, including the issuance of an order requiring the landlord to formalize an alleged tenancy agreement for a manufactured home park pad rental site.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to discuss this application with one another. The landlord confirmed that on September 5, 2014, he received a copy of the Applicants' dispute resolution hearing package sent by the Applicants by registered mail. I am satisfied that the Applicants served their hearing package to the landlord and both parties served their written evidence packages to one another in sufficient time to enable them to prepare for this hearing.

At the hearing, the landlord testified that there was no tenancy agreement entered into with the tenant. The Applicants' agent/legal counsel testified that a May 31, 2014 letter from the landlord, entered into written evidence by the Applicants, and subsequent oral communication established that the landlord had entered into a tenancy agreement for this manufactured home park pad rental site.

Analysis

During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their

dispute. The parties reached an agreement to settle their dispute under the following terms, which I have recorded as follows. Both parties agreed to the following terms:

1. The landlord agreed to send the Applicants a copy of the landlord's application for the rental of a manufactured home park rental site by email as soon as possible.
2. The Applicants' agent agreed that the Applicant(s) will complete and submit an application for a manufactured home park rental site to the landlord by October 7, 2014.
3. Provided that the Applicants abide by their commitment as outlined above, the landlord agreed to consider the Applicants' application for a tenancy agreement for this manufactured home park pad rental site by October 31, 2014, by which time the landlord will have responded to the Applicants' application for this pad rental site.
4. The Applicants' agent withdrew the Applicants' application for dispute resolution.

Conclusion

I make no binding orders with respect to this application or the settlement terms as agreed to by the parties. As the parties reached a resolution to their dispute before I heard evidence with respect to whether this application falls within the *Act*, I outline the terms of the settlement agreement reached between the parties with no decision as to whether the tenants' application falls within the jurisdiction of the *Act*. At the hearing, I also advised the parties that should the need arise to obtain a decision from the Residential Tenancy Branch with respect to this matter, the Applicants remain at liberty to submit applications. I also noted that my reporting of the terms of their settlement as outlined above does not determine whether any future applications would fall within the jurisdiction of the *Act*.

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: September 22, 2014

Residential Tenancy Branch

