



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF, OPC, LRE, OLC

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession pursuant to a notice to end tenancy for cause and for the recovery of the filing fee. The tenant applied for an order to set aside the notice to end tenancy for cause, for the landlord to comply with the *Act* and to set conditions on the landlord's right to enter the rental unit. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began in 1999. The ownership of the mobile park changed hands in 2007. The current landlord stated that when he assumed ownership, he noticed that the tenant's fence was located over the property line and that there were trees on the east side of the property which posed a threat to the underground utility lines. The tenant stated that he had the permission of the previous owner to put up the fence and that the trees were already on the property at the time he moved in.

The landlord also stated that the tenant does not get along with most residents of the park in general and his closest neighbor in particular. The tenant and his neighbor routinely complained to the landlord about each other and on November 07, 2014 the two got into a verbal altercation and swore at each other. Following this incident the landlord served the tenant with a notice to end tenancy for cause with an effective date of December 31, 2014.

During the hearing the above issues were discussed at length. The parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 56 of the *Manufactured Home Park Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute. Specifically, it was agreed that the landlord would withdraw the notice to end tenancy and allow the tenancy to continue. Both parties agreed to the following terms:

1. The tenant agreed to cut down three trees that are located on the east side of the property before March 01, 2015. The tenant also agreed to cut the branches and other debris into smaller pieces that the landlord would be able to place in his truck for disposal.
2. The tenant agreed to make efforts to get along with all residents of the mobile home park
3. Both parties stated that they understood and agreed to the terms of the above agreement.

As this dispute was resolved by mutual agreement and not based on the merits of the case, the landlord must bear the cost of filing his application.

Conclusion

The notice to end tenancy is set aside and the tenancy will continue.

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: December 23, 2014

Residential Tenancy Branch

