



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TRLG ENTERPRISES LTD
and [tenant name suppressed to protect privacy]

REVIEW DECISION

Dispute Codes CNC, MNDC

Introduction

On January 14, 2015, the tenant's application for dispute resolution filed under the Manufactured Home Park Tenancy Act, (the "Act"), was dismissed and the landlord was granted an order of possession, pursuant to section 48 of the Act.

On January 23, 2015, the tenant made an application for review consideration, which was granted on the basis that they were unable to attend at the original hearing because of circumstances that could not be anticipated and were beyond their control.

The Arbitrator ordered the parties to participate in a new hearing, and the original decision and order was suspended. The Arbitrator at the new hearing may confirm, vary or set aside the original decision.

This new hearing dealt with an Application for Dispute Resolution by the tenant to cancel a 1 Month Notice to End Tenancy for Cause, issued on September 30, 2014 (the "Notice"), for a monetary order for money owed or compensation for damage or loss under the Act, and to recover the cost of the filing fee from the landlord.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Preliminary matter

At the outset of the hearing it was determined that the applicant AD, is not a tenant under the tenancy agreement and has no legal interest in the manufactured home. AD is an occupant and has no legal rights under the Act. Therefore, AD was removed from the style of cause.

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the tenant indicated several matters of dispute on the Application for Dispute Resolution, the most urgent of which is the application to set aside the Notice to End Tenancy.

I find that not all the claims on this Application for Dispute Resolution are sufficiently related to be determined during these proceedings. I will, therefore, only consider the tenant's request to set aside the Notice to End Tenancy and the tenant's application to recover the filing fee at these proceedings. The balance of the tenant's applications are dismissed, with leave to re-apply.

In a case where a tenant has applied to cancel a notice for cause Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the Notice.

Issue to be Decided

Should the Notice be cancelled?

Settlement

After lengthy discussion the parties agreed to settle this matter, on the following conditions:

- 1) The parties agreed to mutually end the tenancy, effective April 1, 2015; and
- 2) The landlord will be entitled to an order of possession effective on the above agreed upon date.

This settlement agreement was reached in accordance with section 56 of the *Manufactured Home Park Tenancy Act*.

As this matter was settled I decline to award the filing fees to the tenant.

Conclusion

The original decision and order made on January 14, 2015 are set aside and replaced with this review decision and order.

As a result of the above settlement, the landlord is granted an order of possession, should the tenant fail to comply with the settlement agreement.

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: February 17, 2015

Residential Tenancy Branch

