



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes OPR MNR FF

Preliminary Issues

While checking each participant into the hearing the Tenant submitted the correct spelling for his first name. He clarified that he is normally known by the abbreviated version of his first name as listed on the Landlord's application. Accordingly, I amended the style of cause on the front page of this Decision to reflect the Tenant's actual first name and the abbreviated version is listed in brackets, pursuant to section 57(3)(c) of the Act.

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Landlord on March 19, 2015, to obtain an Order of Possession for unpaid rent and a Monetary Order for: unpaid rent and to recover the cost of the filing fee from the Tenant for this application.

The hearing was conducted via teleconference and was attended by the Landlord, their Witness and the Tenant. Each party gave affirmed testimony and confirmed receipt of evidence served by the Landlord.

At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed. During the hearing each party was given the opportunity to provide their evidence orally and respond to each other's testimony.

Issue(s) to be Decided

Have the parties agreed to settle these matters?

Background and Evidence

The undisputed evidence included that the Tenant entered into a month to month tenancy that began March 31, 2006. Rent of \$541.00 was previous payable on the first of each month until January 1, 2015, when an annual rent increase became effective raising the rent to \$554.00.

During the course of this proceeding the parties agreed to settle these matters.

Analysis

Pursuant to section 56 of the *Act*, the Arbitrator may assist the parties to 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 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 on the following terms:

- 1) The Landlord agreed to withdraw their application for dispute resolution in favor of this settlement;
- 2) The Tenant agreed to pay the Landlord **\$89.00** no later than May 1, 2015, which included the past due rent of \$39.00 (3 x \$13.00) plus the \$50.00 filing fee; and
- 3) The parties agreed that if payment was received as agreed above, the tenancy would be reinstated and will continue until such time that it is ended in accordance with the *Act*.

Conclusion

The parties agreed to settle these matters, pursuant to section 56 of the *Act*.

In support of the settlement agreement, the Landlord has been issued a Monetary Order for **\$89.00**. In the event the Tenant does not pay the \$89.00 in accordance with the above listed settlement agreement, the Landlord may serve the Tenants the Monetary Order and enforce that Order through the British Columbia Small Claims Court.

In the event that the Tenant complies with the settlement agreement and pays the Landlord the \$89.00, the 10 Day Notice issued March 3, 2015, would be void and of no force or effect. If the Tenant fails to pay the Landlord the \$89.00 as agreed above, the 10 Day Notice would be in full force and effect and the Landlord may be at liberty to file another application for possession of the manufactured home park site.

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: April 30, 2015

Residential Tenancy Branch

