



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPR, MNR, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord, his agent and both tenants.

At the outset of the hearing I clarified with the landlord that they had not provided a copy of a 1 Month Notice to End Tenancy for Cause in their evidence and they did not have a copy of such a notice. As such, I advised the parties I would not consider the validity of such a notice in this hearing but that the landlord remained at liberty to file a separate Application for Dispute Resolution to pursue an order of possession based on a 1 Month Notice.

During the hearing the parties discussed the possibility of reaching a settlement agreement but the landlord wanted to discuss the possibility of continuing the tenancy with his agents prior to committing to such an agreement.

At the end of the hearing I ordered that the landlord and tenants could discuss the possibility of a settlement agreement. I ordered that both of the parties must submit to me confirmation of the outcome of further discussions.

I ordered that if the parties reached an agreement that they must each fax to me a copy of a signed agreement outlining the requirements agreed upon by both parties to continue the tenancy. In the alternative, that the parties cannot reach an agreement, I ordered that each party fax to me a declaration that they were unable to reach an agreement. I ordered that these submissions be provided no later than the close of business on June 10, 2015.

I advised the parties that if they could reach an agreement I would document the settlement agreement and provide any orders that would support the agreement. I also advised that if they could not reach an agreement I would render a decision and orders based on the landlord's Application for Dispute Resolution; the evidence and testimony provided for this hearing and the requirements as set out in the *Manufactured Home Park Tenancy Act (Act)*.

I also advised the parties that if their submissions were contradictory or confusing to me in any way I would reconvene this hearing at a later date.

On June 8, 2015 the female tenant submitted a handwritten statement signed by herself stating that she had agreed to pay \$600.00 every 2 weeks to the landlord until the debt is paid in full.

On June 10, 2015 the landlord submitted a copy of a settlement agreement signed by the owner and both tenants. I accept this document as the agreement made by the parties and I reproduce it below.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 39, 48, 60, and 65 of the *Act*.

Background and Evidence

The parties reached the following settlement:

1. The tenants agree to pay the landlord, in addition to any current pad rental, the following payments on the dates agreed:
 - a. June 1, 2015 - \$600.00 (already paid)
 - b. June 20, 2015 - \$600.00
 - c. July 5, 2015 - \$600.00
 - d. July 15, 2015 - \$528.52
2. The parties agree that should the tenants not adhere to the repayment schedule above the tenants will vacate the site.

Conclusion

In support of this settlement and as noted above I grant the landlord an order of possession effective **two days after service on the tenants, only if the tenants fail to comply with the above noted settlement agreement**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

Also in support of this settlement and as note above I grant the landlord a monetary order in the amount of **\$1,728.52** based on the balance owing.

This order must be served on the tenants only if the tenants fail to comply with the settlement. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: June 11, 2015

Residential Tenancy Branch

