



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, CNC, FF

Introduction

The Application for Dispute Resolution filed by the Tenants seeks an order to cancel a one month Notice to End Tenancy dated October 29, 2015.

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for repeated late payment of rent.
- b. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of both parties. The parties chose to proceed with an attempt to settle the matter rather than an arbitration hearing.

I find that the one month Notice to End Tenancy was served on the tenants by mailing, by registered mail to where the tenants reside on November 3, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord by mailing, by registered mail. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order to cancel the one month Notice to End Tenancy dated October 29, 2015?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a tenancy agreement for the rental of a manufactured home pad that provided that the tenancy would start on January 1, 2013 and continue on a

month to month basis. The present rent is \$560 per month payable in advance on the first day of each month.

The tenant testified they purchased the manufactured home with the intention that a son could move in. That was not possible and the manufactured home was rented out. Unfortunately the occupants of the rental unit caused significant damage and the home is in disrepair. The rent for January has been paid.

The landlord is in the process of attempting to get approval for the redevelopment of the manufactured home park. The agent for the landlord stated that he expects it will cost approximately \$8000 for the demolition and removal of the manufactured home.

Settlement:

At the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 56(2) of the Manufactured Home Park Act as follows:

- a. The landlord shall pay to the tenants the sum of \$7500 on or before February 29, 2016 in consideration for the sale of the manufactured home from the tenants to the landlord and any rights the tenants may have under the Manufactured Home Park Tenancy Act (had the landlord served a 12 month Notice to End Tenancy for landlord use of property).
- b. The tenants shall sign all documents required for the sale of the manufactured home.
- c. The parties mutually agree to end the tenancy effective January 31, 2016 and request the arbitrator issue an Order for Possession for that date.
- d. The landlord releases and discharges the tenant for all further claims with respect to this tenancy including but not limited to any possible rights to damages and the cost of demolition and removal of the manufactured home..
- e. The tenants release and discharge the landlord from all further claims with respect to this tenancy including but not limited to claims for the sale of the manufactured home and any rights they might have under the Manufactured Home Park Act for compensation had the landlord served a 12 month Notice to End Tenancy for landlord use of property..
- f. The landlord shall return the February 1, 2016 post dated cheque.

Order of Possession:

As a result of the settlement I issued an Order for Possession effective January 31, 2016.

The tenant must be served with this Order as soon as possible. Should the tenants fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Monetary Order:

As a result of the settlement I ordered that the landlord pay to the Tenants the sum of \$7500 on or before February 29, 2016.

The Tenants are given a formal Order in the above terms and the Landlord must be served with a copy of this Order as soon as possible.

Should the Landlord fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

Conclusion:

In summary as a result of the settlement I ordered the landlord pay to the Tenants the sum of \$7500 on or before February 29, 2016 and I granted an Order for Possession effective January 31, 2016.

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: January 07, 2016

Residential Tenancy Branch

