



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RETIER WEST COMMUNITIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNDC, FF, O

Introduction

This hearing dealt with the landlord's application pursuant to the Manufactured Home Park *Tenancy Act* (the Act) for:

- an order of possession for unpaid rent pursuant to section 48;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 60; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 65.

Both parties attended the hearing by conference call and provided undisputed affirmed testimony. Both parties confirmed receipt of the landlord's notice of hearing package and the submitted documentary evidence.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

Is the landlord entitled to a monetary order for unpaid rent, for money owed or compensation for damage or loss and recovery of the filing fee?

Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the both parties, not all details of the submissions and / or arguments are reproduced here. The principal aspects of the landlord's claim and my findings are set out below.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the two parties during the hearing led to a resolution. Specifically, it was agreed as follows:

The landlord agreed to withdraw the 10 Day Notice to End Tenancy for Unpaid Rent dated January 7, 2016.

The tenants agreed to pay to the landlord \$835.00 (consisting of \$735.00 of rent arrears and recovery of the \$100.00 filing fee), which both parties agreed constituted a final and binding resolution of all monetary issues under dispute in the landlord's application for dispute resolution.

Both parties agreed to a payment plan of:

- 1) \$400.00 to pay arrears on February 19, 2016.
- 2) \$300.00 to pay arrears on March 5, 2016.
- 3) \$135.00 to pay arrears on March 18, 2016.

The landlord is granted an order of possession to be effective 2 days after service, if the tenants fail to pay any of the agreed amounts on the agreed upon dates as listed above.

Both parties agreed that the above noted particulars comprised a full and final settlement of all aspects of the dispute arising from their applications for dispute resolution.

In order to implement the above settlement reached between the parties, I issue an Order of Possession to be used by the landlord if the tenants fail to comply with the agreed upon payment plan. The landlord is provided with these orders in the above terms and the tenant(s) must be served with this Order in the event that the tenants fail to pay the agreed upon amounts set out in their agreement. Should the tenants fail to comply with this Order, the Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

In order to implement the above settlement reached between the parties, I issue a monetary order in the landlords favour in the amount of \$835.00. I deliver this Order to the landlord in support of the above agreement for use in the event that the tenant(s) do not abide by the terms of the above settlement. The landlord is provided with these Orders in the above terms and the tenant(s) must be served with a copy of these Orders as soon as possible after a failure to comply with the terms of the above settlement agreement. Should the tenant(s) fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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: February 18, 2016

Residential Tenancy Branch

