



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT, DRI, MNDC (Tenant's Application)
OPR, MNR (Landlord's Application)

Introduction and Preliminary Matters

This hearing convened as a result of cross applications. In the Tenant's Application for Dispute Resolution filed January 13, 2017 and amended January 24, 2017, the Tenant sought an Order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on January 5, 2017 (the "Notice"), more time to apply to cancel the Notice, monetary compensation from the Landlord and to dispute a rent increase. In the Landlord's Application for Dispute Resolution filed January 20, 2017, the Landlord sought an Order of Possession and Monetary Order based on the Notice.

Both parties appeared at the hearing. The Landlord was represented by M.H., who confirmed that she is an agent of the corporate landlord as well as the manufactured home park manager. Both parties erroneously named M.H. as the Landlord on their respective applications. In addition, both parties applied under the *Manufactured Home Park Tenancy Act*. As the corporate landlord owns the manufactured home park as well as the subject manufactured home, these matters are properly under the *Residential Tenancy Act*. Pursuant to section 64(3)(c) I amend the parties' applications accordingly.

The hearing process was explained to M.H. and the Tenant and they were both asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*.

As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims. The terms of their settlement follow.

Settlement and Conclusion

1. The tenancy shall end and the Tenant shall vacate the rental unit by no later than 1:00 p.m. on February 28, 2017.
2. The Landlord is granted an Order of Possession effective 1:00 p.m. on February 28, 2017. The Landlord must serve the Order on the Tenant as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. All claims arising out of the parties respective applications are hereby dismissed as if tried on their merits.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 09, 2017

Residential Tenancy Branch