



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, ERP, RR, MNDC

Introduction

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

- cancellation of a 10 Day Notice for Unpaid Rent issued pursuant to section 39 of the *Act*;
- a Monetary Order for damaged property pursuant to section 60 of the *Act*;
- an Order for a reduction of rent pursuant to section 58 of the *Act*;
- an Order for the landlord to make emergency repairs pursuant to section 27 of the *Act*; and
- an Order for the landlord to repay the cost of the filing fee pursuant to section 65 of the *Act*.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions.

The tenant confirmed receipt of the landlord's 10 Day Notice, and the landlord's evidentiary package. In accordance with section 81 of the *Act*, I find that the tenant was duly served with the 10 Day Notice and evidentiary packages. The landlord confirmed receipt of the tenant's Application for Dispute Resolution package.

The landlord confirmed receipt of the tenant's Amendment to an Application for Dispute Resolution filed on January 5, 2017.

At the outset of the hearing, the tenant stated that he was not prepared to proceed with his application for a Monetary Order or a rental reduction as he did not have all of his expenses and receipts organized. The tenant withdrew this portion of his application.

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, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

- 1) The landlord agreed to withdraw the 10 Day Notice issued to the tenant on December 29, 2016.
- 2) The landlord agreed to accept a payment of \$2,220.00 made by February 28, 2017 to be applied against the tenant's outstanding debt.
- 3) The landlord agreed that the tenant and the electrician shall meet at 8:00 A.M. on Wednesday, February 8, 2017 and the electrician will perform any and all repair works related to the faulty electrical system.
- 4) The tenant agreed to withdraw his monetary claim.
- 5) The tenant agreed to cover the cost of his filing fee.
- 6) Both parties agreed that this settlement agreement constituted a final and binding resolution of the tenant's application.
- 7) Both parties agreed that this tenancy will continue as per the Act.

These particulars comprise the full and final settlement of the issues surrounding the 10 Day Notice, the Order for Emergency Repairs, and the filing fee aspects of this dispute for both parties. Prior to the settlement, the tenant withdrew his Monetary Order pursuant to section 60 of the *Act* and his application for a Reduction in Rent pursuant to section 58 of the *Act*. The tenant is free to reapply for these items at a later date. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion.

Conclusion

The landlord's 10 Day Notice for Unpaid Rent is cancelled. This tenancy continues until ended in accordance with the *Act*.

The landlord agrees to provide for an electrician to be at the manufactured home at 8:00 A.M. on Wednesday, February 8, 2017, to perform any and all repairs related to the electrical system.

The tenant's applications for a Monetary Order and Rental Reduction are withdrawn with liberty to re-apply.

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 6, 2017

Residential Tenancy Branch