



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with a tenant's Application for Dispute Resolution (the "Application") under the Manufactured Home Park Tenancy Act (the "Act") for:

- cancellation of the landlord's One Month Notice To End Tenancy for Cause (the "One Month Notice").

The landlord and tenant appeared at the teleconference hearing and gave affirmed testimony. The landlord's spouse also appeared as a witness and gave affirmed testimony. During the hearing the landlord and tenant were given a full opportunity to be heard, to present sworn testimony and make submissions.

Pursuant to section 63 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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

During the course of the hearing, the parties reached an agreement to settle this matter, on the following conditions:

1. The landlord withdraws their One Month Notice dated February 10, 2017.
2. The tenant will move out of the manufactured home by midnight on April 30, 2017.
3. The tenant will remove the manufactured home from the site or have the manufactured home sold by midnight on May 31, 2017.
4. After May 1, 2017 the tenant will only attend at the site for purposes of removing or selling the manufactured home.
5. The tenant will not do any renovations to the manufactured home after midnight on April 30, 2017.

6. The tenant will not allow any guests to live in the manufactured home after midnight on April 30, 2017.
7. The tenant will not pay any rent for the manufactured home site for the month of May 2017.
8. The tenant will make arrangements with the government to cancel the tenant's rent payment for the month of May 2017. If the landlord receives the tenant's rent payment for the month of May 2017, the landlord will return the payment to the government.
9. The parties agree that the landlord will be granted a conditional order of possession effective two (2) days after service on the tenant which will be of no force or effect if the tenant successfully complies with the above terms. If the tenant fails to comply with the above terms, the order of possession will be of full force and effect and may be served upon the tenant.
10. The parties agree that this settlement agreement constitutes a final and binding resolution of the tenant's application at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for all the parties. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and the parties understood the nature of this full and final settlement of all matters.

If the tenant fails to comply with the terms of this settlement agreement, the landlord may serve the order of possession on the tenant. If the landlord serves the order of possession on the tenant and the tenant fails to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*.

Conclusion

I order the parties to comply with the terms of their settlement agreement described above.

The landlord has been granted a conditional order of possession effective two (2) days after service on the tenant, which will be of no force or effect if the tenant successfully complies with the terms of this settlement agreement. If the tenant fails to comply with the terms of this settlement agreement, the order of possession will be of full force and effect and may be served upon the tenant.

Should the landlord need to enforce the order of possession, the landlord must serve the order of possession on the tenant and the order of possession may be filed in the Supreme Court of British Columbia and enforced as an order of that Court. If the tenant successfully complies with the terms of this settlement, the tenancy will continue until midnight on May 31, 2017.

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: April 04, 2017

Residential Tenancy Branch